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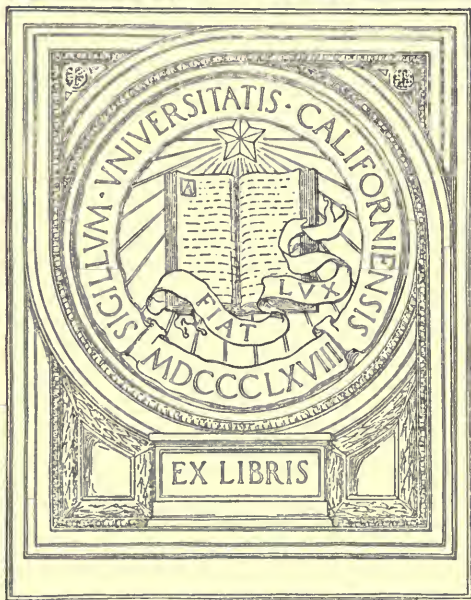
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Remarks on the Ryotwarree  
& Mocurrery Systems.

UNIVERSITY OF CALIFORNIA  
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IT was my intention at first to obtain two written copies of these

L “REMARKS  
ON THE  
RYOTWARREE & MOCURRERY SYSTEMS:”

one for the Honorable Board of Control, and the other for the Honorable Court of Directors; but finding it difficult to obtain an expeditious and good amanuensis, and considering that I might want more than two copies, I have deemed it advisable to have a few impressions struck off.

I regret that the appearance of formal publication is thus exhibited. I have however attended more to matter than manner, and hope for an indulgent perusal by East India officers, for whom these suggestions are exclusively intended.

TO THE  
HON. WILLIAM ASTELL, CHAIRMAN,  
AND  
COURT OF DIRECTORS OF THE HON. EAST  
INDIA COMPANY.

---

Homines sapientes, et istâ auctoritate, et potestate  
præditos quâ vos estis, ex quibus rebus maxime respublica  
laborat, iis maxime mederi convenit. CICERO.

Notwithstanding the great principles of progression  
in human affairs, the whole native vigor of a state, may be  
kept down for ages, and the comfort, and prosperity and  
active industry of unexisting millions be blasted by regula-  
tions, which in the intention of their generous projectors were  
to stimulate those very energies which they repressed, and to  
relieve that very misery which they rendered irremediable.

DR THOMAS BROWN.

ALBION LONDON  
CALIFORNIA  
YRASHU



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## REMARKS

ON THE

## RYOTWARREE &amp; MOCURRERY SYSTEMS.

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MORE than half a century has elapsed since the Company of Merchants trading to the East Indies became sovereigns of an extensive and populous territory in Hindostan, to which they have been constantly adding valuable acquisitions.

1760  
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That the lot of millions of Asiatic subjects submitted by the dispensations of Providence to the superintendence of the Company, has not been indifferent to them, is evinced by the very voluminous correspondences published for public perusal.—In the year 1792, with the approbation of the Board of Control, the Company being conscious of the evils which the natives had long experienced from uncertainty and insecurity, resolved upon the introduction of permanent settlements of the land tax into Bengal, Bahar, and Benares, and all their other provinces; and this system it was stated would “*form an epoch in Hindostan, from which would be dated security of property and permanency of prosperity, and an important change full of most beneficial consequences.*”

Unfortunately since these tidings of great joy were proclaimed, doubts have been suggested, whether a Ryotwarree System for the collection of the revenue from each cultivator would not be preferable? hence

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Zamboni

discussions have arisen, and a postponement has been ordered of the permanent land tax solemnly promised.— The land-holders and cultivators therefore have been involved in all the perturbations of suspense, and all the evils of uncertainty, by temporary experiments.

Being seriously impressed with a belief, that longer procrastination will be attended with dangerous and ruinous consequences, I have taken up my pen to submit to superior judgments my sentiments on the two Systems entitled Mocurrery and Ryotwarree; and being very anxious to obtain attention, now annex some testimonials to demonstrate that I do not intrude myself upon the notice of the Honourable the Chairman and Court of Directors without previous knowledge and practical experience.

Vanity and ambition will not I hope be attributed to me, for at the period of life to which I have arrived, they are extinguished; nothing but a conviction that the happiness of the natives, the security of our Indian possessions, and the credit of the British nation, depend upon a speedy decision on the question I am about to discuss, could have drawn from me these valedictory sentiments—it is in truth become an imperative duty for me to defend and if possible to extend that permanent System which I introduced under the auspices of Marquis Cornwallis “*clarum et venerabile nomen.*”—

*Copy of a Letter from Charles Boddam to T. Law, Esq.  
at Calcutta, dated Gya, July 12, 1790.*

“SIR,

“The native inhabitants of this district, being desirous of transmitting their sentiments and

approbation of your conduct during the period of your administration, have requested me to forward the enclosed address to you. I feel particular satisfaction in being the channel of conveying to you the accompanying paper; and I can with truth assure you, that I firmly believe they have expressed their real feelings, and that they sincerely regret the necessity which occasioned your being removed from presiding over them."

"I remain, Sir, &c.

"CHARLES BODDAM."

### THE ADDRESS.

"The just Judge and beneficent Magistrate, Mr. T. LAW, who, during six years presided over the district of Bahar, having, in his excellent administration, displayed the most laudable qualities, and performed the most praiseworthy actions; having studied the welfare of all ranks of people, distinguishing the liberal and noble, rendering justice to the oppressed, and cherishing the afflicted; giving ease and satisfaction to all; shewing natural goodness and acquired virtues, in his conduct, to the high and to the low, to the rich and to the poor; treating all with kindness, and receiving from all a good name, whereby the happiness of the people and the prosperity of the country were promoted: we therefore with one voice, and one mind, of our free will and accord, make the following declaration, that we, all of us, are, in every respect, satisfied with, and grateful to, the gentleman above-mentioned, and that we regard his administration as a blessing to us. Now it happens that this gentlemen is about to quit our district, and we are, one and all, in the greatest degree afflicted; we are

impressed with the deepest concern on this account, and having our hands lifted up to the Deity, in prayer for his life, prosperity and exaltation: may the Almighty God accept our prayers, advance him to the highest dignities, and bless him with every enjoyment worldly and heavenly!"

*The following Letter was from Mr. Law's successor in Office, at Bahar.*

"SIR,

"A number of the principal and most respectable inhabitants of this district, lately presented a petition to me to this effect:—'It was our wish, that the address which we presented for Mr. Law, at the time of his departure from this station, expressing our grateful sense of the advantages we had enjoyed from his just and upright conduct, while Collector, Judge, and Magistrate of the district, should be made known to the Governor-General in Council; but we forbore expressing that wish, lest, from Mr. Law's still continuing in the country, and in high station, it might have been imputed to interested motives, or seem to originate less in gratitude for former obligations, than in the expectation of future favours. As, however, that gentleman is on the eve of quitting this country, and can no longer confer benefits upon us, our former delicate objection no longer exists; for which reason, we request you to make known to his Lordship in Council the happiness we enjoyed under Mr. Law's administration.'—In conformity to this request, I immediately transmitted to

the Secretary of the Government a copy of that letter, and I do myself the honor to enclose another copy of it to yourself. As a mind, such as yours, must feel the highest gratification in seeing its successful labours for the public weal so rewarded, I cannot refrain from enclosing also a copy and translation of the petition presented to me by the inhabitants, on this occasion. In addition to their approbation, suffer me, as your successor, to add an assurance, that flattery appears to have had no share, either in the address presented you by the inhabitants at your departure, or in their present request. They cannot but feel that your local exertions gave effect and stability to the enlightened system of settlement now adopted, which, by putting an end to the baneful custom of constantly demanding an increase of revenue, or, in other words, taxing industry in proportion to its efforts, promises to the active land-holder the just reward of his labors, confirms security of landed property, and disseminates universal confidence. In addition to the well-earned thanks of the inhabitants of the district at large, permit me, Sir, to offer you my sincerest wishes for your future prosperity, and to assure you that it shall be my study to perpetuate those good effects, to which your line of conduct has already given rise."

" I have the honor, &c.

" A. SEATON, Collector at Bahar."

✓✓✓

To THOMAS LAW, ESQ.  
Calcutta.

*Extract of a Letter, dated 4th January, 1791, from the Board of Revenue of Calcutta.*

“Sensible of the zealous and able assistance that we have received from Mr. Law, we cannot forbear acknowledging the same on the present occasion, and expressing our sincere regret at the cause which has rendered his return to Europe necessary.”

*Extract of a Letter from Marquis Cornwallis, dated 25th January, 1791.*

“The Governor General in Council is concerned for the occasion so fully certified, which requires Mr. Law to leave this country, and cannot permit him to depart without expressing his sense of Mr. Law’s services to the Company; and of the able, zealous, and upright conduct that he has uniformly manifested in the discharge of his public duty.”

*Extract of a Letter from Marquis Cornwallis, addressed to T. Law, Collector of Bahar, 21st of January, 1789.*

“The Governor General is truly sensible of the services of the Collector of Bahar, (Mr. T. Law) and acknowledges the substantial advantages which the Company has derived from them.”

*Extract of a Letter to T. Law, from J. H. Harrison, 23rd of March, 1789, dated Revenue Board, Calcutta.*

“SIR,

“A letter from the Governor General in Council, relative to the remarks of a number of the Board of Revenue, on the general plan of settlement



which you lately proposed, containing a public testimony highly honorable to you, I am directed by the Board of Revenue to transmit you the accompanying extract therefrom, for your information."

*Extract of a Letter from the Governor General in Council, 18th March, 1789, recorded on the proceedings of the Board of Revenue, on the 20th of the same month, enclosed in the Secretary's Letter.*

"The laudable motives by which Mr. Law has been actuated in offering the plan to which the minute refers, for the consideration of the Board of Revenue, ought to have secured to him that candid and liberal treatment, in stating a different opinion, which it merits from every person, even of the most established reputation for revenue knowledge. And we must at the same time remark, that Mr. Law has, by the benevolence of his character, his application to business, and his revenue knowledge, essentially contributed to the happiness of the people and the prosperity of the district under his charge."

*ngt*  
"J. H. HARRISON, Secretary."

*Extract of a Letter from Marquis Cornwallis, dated New Burlington Street, 14th April, 1794.* ✓

"DEAR LAW,

I read your letter yesterday with concern. But if your resolution is taken it will be needless for me to expostulate. You may be assured that I shall never cease to acknowledge with gratitude the lights that I received from you respecting the

Mocurrery System and permanent settlement; and that you will always possess a great share of my regard and esteem.

“ Your most faithful friend,

CORNWALLIS.”

*Extract of a Letter from Marquis Cornwallis to Thomas Law, dated Whitehall, 28th March, 1796.*

“ I have received your letters of the 5th and 17th of January. We laboured together for the security of person and property to the subjects of the British Government in Asia. That security is now further removed from the French Republic, than it was from the natives of India in the most corrupt times. I receive letters constantly from our excellent friend Barlow, one of the first of men; and to whose rare and great abilities, and great and benevolent mind, I owe any credit I may have for carrying into execution that plan, of which I shall ever *with gratitude acknowledge you as the founder.*”

CORNWALLIS.”

These flattering documents, which prove early successful exertion, were intended to remain amongst other papers, for the gratifying perusal of my son after my death; and are now only produced that my reasoning may obtain weight. My anxiety on this subject is, I trust, not only excusable but laudable; for I find on my return, as one risen from the dead, the Mocurrery System which was ordered to be extended, arrested in its progress, and a new one introducing—or, at any



rate, attempted to be substituted, which is to exclude the Zemindars : that the opinion of the natives respecting a permanent settlement, and of the Company's servants, may be known, I subjoin an extract of a letter from Mr. Brook, Collector of Shawabad, April 2, 1789.

“ Before I conclude this Letter, I beg leave to mention the general prevalence of an idea all over these parts, that a settlement of the Land Revenue is now in deliberation ; indeed I have been favored by Mr. Law with the perusal of a plan of this nature, submitted by him to the consideration of Government. The irresistible impulse of conviction, urges me to embrace this occasion of testifying my warm sense of its principles and probable effects. Woeful experience of the destructive consequences of the farming system excite in me the most ardent wishes for its abolition. The very report has already raised in the minds of the Zemindars all the perturbations of suspense ; the marked justice, however, of the present administration, makes hope predominate. They view with the eye of anticipation the exhilarating prospect ; they consider it as the grand epoch of liberty and of security of property. They look forward with exultation to that happy day, when arbitrary exaction shall be no more ; when they can meet the returning year without fear of vexatious investigation, or of overrated assessment ; when evasion and deceit shall be useless and disgraceful ; and universal ease, prosperity, and freedom, throw a veil of oblivion over the sufferings of past uncertainty.

“ This picture of their feelings, Gentlemen, is not

by any means too highly colored ; it is the result of observation—of fact. Mr. Adam Smith's opinion is, that any tax whatever, not accurately defined and fixed in its quantum, by some invariable standard, is liable to abuse in its collection ; that the security of landed property has contributed more than any other cause to the riches and grandeur of the English nation. I consider, that while Government's demand is subject to continual variation, no vigilance and activity, no experience and probity in the collector, will be equal to a complete prevention of undue assessment.

“ Periodical equalisation, is fair and equitable in theory, but experience proves it unattainable in practice ; that the attempt checks the energy of improvement, fills every mind with distrustful caution, and loosens the grand link of permanent interest, by which the subject has in all ages been most effectually secured in attachment and allegiance. From the respectable authorities of Mr. Francis in his minutes of council, and Messrs. George Vansittart, Broughton Rous, Edward Baber, and Lushington, in their evidence before a Committee of the House of Commons, and the best information derived from the most intelligent natives, I am confirmed in my opinion, that the Zemindars are the undoubted hereditary proprietors of the soil, while they continue in allegiance, and pay their quotient to the state ; and that the estimation of them as mere farmers is erroneous.

“ The present system of collecting the revenue in some cases, renders a strict and rigid administration of justice in the civil courts absolutely impossible, without

the risque of certain loss to government;—the natives know, feel, and lament the deplorable necessity. Mr. Law's plan appears to me to simplify, but to remove the present perplexities of collection; to be friendly to the strictest process of the judicial courts; to be a structure erected on the basis of equity, to be overthrown only by the subversion of our dominion.

“ Allow me, Gentlemen, to apologise for this trespass on your patience;—my earnest desire to see so beneficial a measure as a permanent quit rent carried into execution, has induced me (though unsanctioned by official requisition) to trouble you with this public expression of my sentiments of Mr. Law's benevolent plan, a plan which, with a few subsidiary emendations, will ensure the relief of anxious millions, diffuse universal satisfaction through every subordination of landholders, and extend the fame of our justice through the remotest kingdoms of the East.” In corroboration of the above, I will now give an extract from Mr. Francis' minute in 1777, the reputed author of Junius, whose style and reasoning surprised us all in India.

“ One essential reason why government should endeavour to restore the Zemindars to a state of competence at least, if not of affluence is, that they are not merely the stewards or collectors of the public revenue, but are or ought to be the instruments of government in almost every branch of the civil administration. If this medium be removed, then government acts directly upon its subjects by its own officers, without the assistance of those intermediate gradations of rank, authority, and responsibility, by which all great civil

societies are held together. A system which professes to destroy that medium, might as well profess at once the dissolution of the state, unless by the word *state* we are only to understand the economical relation of master and slave, not a political union of government with its subjects."

Montesquieu states "that when the savages of Louisiana are desirous of fruit they cut down the tree and then gather the fruit. This is an emblem of despotic government: there is none that labors more under its own weight than that wherein the prince declares himself *proprietor of all the lands, and heir to all his subjects*. Hence the neglect of agriculture arises, and if the prince intermeddles likewise in trade, all manner of industry is ruined.—Under this sort of government, nothing is *repaired or improved,—houses are built only for the necessity of habitation*. There is no digging of ditches or planting of trees; every thing is drawn from, but nothing restored to the earth.

"Poverty and the precariousness of property in a despotic state render usury natural, each person raising the value of his money in proportion to the danger he has in lending it; misery therefore, pours in from all parts into these unhappy countries, they are bereft of every thing, even of the source of borrowing.

"To fix the revenues in a proper manner, regard should be had both to the necessities of the state and to those of the subjects. The real wants of the people, ought never to give way to the imaginary wants of the state.

“ The effect of wealth in a country, is to inspire every heart with ambition ; that of poverty is to give birth to despair. If some subjects do not pay enough, the mischief is not so great ; their convenience and care turn always to the public advantage. If some private people pay too much, their ruin redounds to the public detriment. If the government proportions its fortune to that of individuals, the care and conveniency of the latter will soon make its fortune rise. *The whole depends upon a critical moment*, shall the state begin with impoverishing the subjects to enrich itself, or had it better wait to be enriched by its subjects.—Is it more advisable for it to have the former or the latter advantage ? which shall it choose, to begin or to end with opulence ? The duties felt least by the people are those on merchandize, because they are not demanded of them in form.

“ Taxes ought to be very light in despotic governments, otherwise, who would be at the trouble of tilling the land ? besides how is it possible to pay heavy duties in a government that makes no manner of returns to the contributions of the subject.

“ The exorbitant power of the prince and the extreme depression of the people, require that there should not be even the possibility of a mistake between them. *The taxes ought to be so easy to collect, and so clearly settled, as to leave no opportunity for the collectors to encrease or diminish them.*

“ It is a general rule that taxes may be heavier in proportion to the liberty of the subject, and that there is a necessity for reducing them, in proportion to the increase of slavery. This has always been and always



will be the case: it is a rule derived from nature, that never varies.

“ In some monarchies in Europe there are particular provinces, which from the very nature of their civil government, are in a more flourishing condition than the rest; it is pretended that these provinces are not sufficiently taxed, because through the goodness of their government, they are able to be taxed higher; *hence the ministers seem constantly to aim at depriving them of this very government, from whence a diffusive blessing is derived, which redounds even to the sovereign's advantage.*”

Dr. Johnson in his tour through the Hebrides, after adverting to the arguments of men who not defective in judgment and general experience, are advocates for governments collecting immediately from the peasant, says, “ those who pursue this train of reasoning, seem not sufficiently to enquire whither it will lead them, nor to know that it will equally shew the propriety of suppressing all wholesale trade.”

After expatiating upon this, he concludes, “ according to these schemes, universal plenty is to begin and end in universal misery. Hope and emulation will be utterly extinguished, and as all must obey the call of immediate necessity, nothing that requires extensive views, or provides for distant consequences will ever be performed.”

In addition to the foregoing authorities, let me be permitted to add the corroborating opinion of that profound thinker, the Rev. Archdeacon Paley, who, in his moral and political philosophy, observes, “ that the *exclusive* right to the produce, is the only incitement

which acts constantly and universally; the only spring which keeps human labour in motion. The proprietor though he grant out his estate to farm, may be considered as the occupier, inasmuch as he regulates the occupation by the choice, superintendancy, and encouragement of his tenants; by the disposition of his lands; by erecting buildings, providing accommodations; by prescribing conditions or supplying implements and materials of improvement; he is entitled by the *rule of public expediency* above-mentioned, to receive in the advance of his rent, a share of the benefit which arises from the increased produce of his estate." The violation of this *fundamental maxim* of Agrarian policy, constitutes the chief objection to the holding of lands by the state, by the king, and by corporate bodies. ✓

I have heretofore stated that a Mocurrery settlement was to have been introduced throughout all the Company's provinces, and in proof thereof give the following extract from the proceedings of the Governor-General in Council.

"5. The regulation contained in Section 29, Regulation XXV. 1803, prescribes, that at the expiration of the existing settlement in the provinces ceded by the Nawaub Vicer, shall be made for the period of four years, in like manner the rules contained in Section 4, 5, and 6, Regulation IX. 1805, require that at the expiration of the existing settlement in the conquered provinces and in the Zillah of Bundelcund, two more temporary settlements shall be made in the said conquered provinces, and in the Zillah of Bundelcund respectively. *The Governor-General in*

*Council however, hereby notifies to the Zemindars and other actual proprietors of the land in the ceded and conquered provinces, that the Jumma which may be assessed on their estates, in the last year of the settlement immediately ensuing the present settlement, shall remain fixed for ever ; in case the Zemindars shall now be willing to engage for the payment of the revenue in perpetuity, and the engagement shall receive the sanction of the Court of Directors."*

✓ The Court of Directors unfortunately refused their confirmation of this promise, when the Governor-General had the painful task to announce to the natives that all their fondly indulged expectations must be relinquished, the Company having withheld their sanction, (although the Zemindars had laboured to fulfil their engagements to the Company by punctual payments of their revenue to entitle them to the promised boon.) A secret letter was written from Bengal, under date October 9, 1812, from which the following is an extract:

✓ " Under these circumstances it cannot be doubted that under the arrangement of 1807, the Zemindars and others would enter on the cultivation and management of their estates with a confidence little short in their judgment, of certainty in the permanence of the Jumma ; with these impressions capital must have been employed in the improvement of the lands, which under different circumstances would have been appropriated to other purposes. The country and the government are already reaping the advantage of that capital ; landed property is becoming in the estimation of the people what it must ever be under a good system of government, one of the greatest of human blessings : the security for

^



the payment of the public revenue is rendered more substantial by the enhanced value of lands; the people are gradually divesting themselves of predatory habits and seeking by means of peaceful and useful industry, those fruits, which they formerly only attempted to acquire by oppression, rapine, and exaction.

“ 17. It is under circumstances such as we have stated that we are commanded to announce to the great body of the people that the permanency of the Jumma no longer exists. The assurances given to land-holders in the year 1803 and 1805, and which for the reasons already stated, we consider to be still in full force and effect, may in some degree alleviate the disappointment which must be experienced from the operation of the present orders. Still it is impossible to judge *à priori* of the effects with which that disappointment may be attended. It is a feeling which is *nearly allied to discontent; and when these impressions are felt in any considerable degree, resistance to public authority is always to be apprehended.* The people have furnished on affairs of comparatively small and trivial interest, examples of a disposition to assist their wishes by tumult and outrage; a more powerful incitement to seek redress cannot be given in any country, and cannot extend to a larger or more powerful class of the community, than injuries supposed to be done to the great body of landed proprietors.”

Here let us pause.

Our arms have been so successful hitherto in consequence of our superior military discipline, and of the divided interests and animosities which prevented any well arranged combination against us, that very few seem to

be aware how slender are the cords by which the Company retain their possessions in India.

The abundance of wealth in every way every where exhibited in this prosperous isle upon which the bounties of Providence are so profusely lavished; seem so to have lulled us into a delusive confidence, that it is very difficult to induce any one but an East-Indian to deliberate upon future probabilities naturally generating by changes already effected.

The politics of Europe, of America, nay even of Africa, obtain readier attention than those of remote Asia.

1st. Because the management of the latter is given almost exclusively to a distinct government.

2d. Because the documents to be perused are so multifarious and voluminous.

3d. Because the terms used are often incomprehensible.

4th. Because subjects, though less important, appear more immediately interesting and more easily unravelled.

5th. Because eloquence may be more easily displayed, and passions more quickly excited about the conduct of neighbouring nations, than of a people so differing in religion, language, and manners, who have always been so promptly subdued by the employ even of their own countrymen.

I must indeed acknowledge that upon my resolving to make myself acquainted with transactions in India subsequent to my departure from it, more than thirty years ago, I became almost startled at the many ponderous folio volumes which accumulated upon my

table, together with a pile of pamphlets not to be neglected, for they contained essential facts and arguments. My endeavour will be to facilitate knowledge by Extracts. ^

When we take a retrospect of the astonishing events which have occurred during the last half century, viz. the independence of the United States in North America, and the numerous fluctuations in the fate of empires during the French Revolution, and the separation of the Brazils from the Portuguese government, and the emancipation of republics in South America from the Spanish monarchy, and the wonderful disenfranchisement of the Greeks and the extinction of the empire of the great Mogul in Asia, and of Tippo Sultan, and of the Nabob of Arcot, and of the Peshwa *cum multis aliis*; can we behold with apathy the great change in actual operation, to set aside all the Zemindars great and small, spread over the immense continent which the Company possesses in India, with a strange heedlessness of their pretensions (I might say their incontrovertible long established rights, of their influence so well and often so wofully ascertained) that the revenue may be collected from each cultivator of the soil through the agency of the Company's juvenile servants and their native delegates, from a population consisting almost entirely of agriculturists and amounting to nearly one hundred millions of subjects. Mr. Burke has emphatically observed "the natives scarcely know what it is to see the grey head of an Englishman; young men (boys almost) govern there, without society and without sympathy with the natives. They have no more social habits with the people than if they still resided in Eng-

land; nor indeed any species of intercourse, but that which is necessary to making a sudden fortune, and with a view to remote settlement; animated with all the avarice of age and all the impetuosity of youth, they roll in one after another, wave after wave, and there is nothing before the eyes of the natives but an endless hopeless prospect of a new flight of birds of prey and passage, with appetites continually renewing, for the food that is continually wasting. Every rupee of profit made by Englishmen is for ever lost to India."

That I may not appear to be attempting to enlist moral feelings (which some may term prejudices) in my favour, I will without further delay endeavour to give a calm and impartial view of the Mocurrery System so lately supported by Marquis Cornwallis and all the old Companies' servants, and the Ryotwarree System now recommended by persons of indisputable abilities and integrity.

✓✓ Having found that perspicuity was much promoted when I contrasted (see my *Rising Resources*, published in 1792) the advantages and disadvantages of the Farming System and the Mocurrery System, I will now have resort to the same mode of reasoning.

I only lament the inadequacy of my abilities, and hope that some of the zealous, enlightened and experienced old servants of the Company will strengthen what is weak in me and illustrate what is obscure.

When I think that the prosperity of millions in existence and unborn for years to come;—when I consider what sanguinary concussions, terrible devastations, and ruinous results, may be occasioned by an erroneous decision, the pen trembles in my hand:—a more im-

portant question cannot be agitated. If the majority of the natives be alienated from us, by this Ryotwarree system, the military discipline now introduced by the autocrat of Russia on the Caspian, and by the French into Egypt and into Persia, into the territories on the branches of the Indus, and the belligerent ardour of the Mahrattas, Rajapoots, Jauts, &c. may all be marshalled against us, without any feelings in favor of a few Europeans, speaking a different language, professing a different religion, wearing different clothes, and not attached by any one tie of common interest.

If the cord of opinion by which we now hold so many millions of distant people in subjection, and which has been gradually attenuating, should be suddenly broken by our own rashness and impolicy, those industrious manufacturers who now supply India with goods, and the numerous seamen engaged by shipping would be suddenly thrown out of employ. The proprietors of East India stock, the creditors of the Company, the Board of Control, the Directors, the numerous companies, officers of every description at home and abroad would lose their incomes, an enormous debt would be increased in the conflict to preserve possession, and a scene of carnage—but let me refrain from pourtraying a scene which I shudder to contemplate;—let me rather <sup>rather</sup> ~~wish~~ at once to make the contrast I propose, that by a judicious decision, calamities may be averted, and millions protected equally “by us from anarchy and invasion, and be attached by a common interest. *Namque idem velle atque idem nolle, ea demum firma amicitia est.*”



## RYOTWARREE.

✓ The Court of Directors in their revenue letter to Bengal, dated 29th January, 1813, recommended to the attention of the Governor General in Council the instructions of Lieutenant Colonel Munro, and the reports of the same gentleman. (See Selection of Papers from page 75 to 131, and State Section 36.)

✓ “ We are particularly desirous of impressing upon your minds the importance of making yourselves thoroughly acquainted with the nature and principles of a Ryotwarree Settlement, and with the right and proper course to be pursued in the first introduction of it into a district,” &c. Section 37. We are equally convinced, that the best concerted arrangements will fall far short of the necessary objects in view, unless followed up and invigorated in their operation by an unabated zeal on the part of the collectors in superintending with a watchful and pervading eye and controlling with a firm and energetic hand the conduct of the native servants,” &c.

Mr. Munro's first Letter is on the subject of remissions, which “ are in general owing, 1st. to the peculation of the Aumildar and other district servants; 2nd. peculation of the Potails and Carnares; 3rd. improvidence of the Ryots; 4th. bad crops and other accidents; 5th. over assessment.” Mr. Munro after expatiating upon the several frauds practised under the three first heads, when he comes to the subject of bad crops, observes, “ all complaints regarding them should be received with very great caution. Were an investigation to be ordered whenever a cultivator thought proper to solicit an indulgence for his loss, claims would soon be

*turn over to page 26 28000*

## MOCURRERY.

In forming Mocurrery Settlements, previous mensuration, if deemed requisite, may be introduced, and time may be allowed for the attainment of all requisite knowledge, and it may be proceeded with gradually. One great advantage arises from it—that if the Zemindar is too lightly assessed, he obtains thereby funds more rapidly to improve his estate, and if over assessed, his lands will be relinquished, till the government's officer assesses it more lightly. In the latter case the injury is trifling, and all the rest of the Zemindaries are improving, and every improvement must redound to the profit of the government. The government is the representative of the whole people, and can only be rich according to their wealth. The first question of the government should be how can we render our people industrious for productiveness, and prosperous to excite attachment? From the soil every thing originates which gives men enjoyments. By making Zemindars Mocurrerydars, the government gives a value to land, and obtains a security for its revenue; and also relies on the stimulus given by Providence to call forth man's energies. Every year also increases confidence, gratitude, and loyalty. The Mocurrerydar is enabled to give long leases, and will cherish his Ryots;—nay, each Mocurrerydar, being desirous of improving his estate, will, by competition, give higher allowances to cultivators; he will also erect permanent structures. Thus also, a class of native gentlemen will be raised, who will have an interest in the continuance of our Government which secures to them security of property. The Mo-

come so numerous, that all the revenue servants in the country would not be able to examine one half of them."

" Were it even possible to estimate the actual loss in every year, it would not follow that it ought to be remitted ; for the same cultivators who have lost this year may have gained last ; and as no extra assessment was then laid upon their profit, no remission can be now fairly claimed for their loss. Whatever may have been the crop, should it be even less than the seed, they should be always made to pay their full rent if they can, because good or bad seasons being supposed to be equal in the long run, the loss would be merely temporary, and the making of it good is only applying to the deficiency of a year of scarcity the funds which have arisen from one of abundance."

This reasoning would be equitable if there were not an annual settlement to obtain annual increases of revenue, to leave the Ryot as little as possible from every year's crop. Mr. Munro then proceeds to state, " though there is no rule by which a positive judgment can be formed whether or not a Ryot who asks a remission can pay his rents, it may in most cases be discovered by ordering the amount of the failure to be assessed on the village." What an extraordinary mode to secure the government, if possible, from loss,—what cultivator also will labor if he know that he may be made answerable for his neighbours' mismanagement or indolence ?

Mr. Munro after this, gives a succinct account of the mode by which he makes his Ryotwarree settlements ; were I to copy the whole, it would of itself make a pamphlet.



currery's rent rolls may be printed. Waste lands, such as the Sunderbands, may be surveyed, and laid out for additional estates, and sold, as the United States now do to the best bidder, a minimum price per acre being fixed, below which the land must not be sold.

Mocurrerydars, on the security of these lands, may borrow money from Bankers. One great objection repeatedly urged is, that there will be great inequality in the profits of the Zemindars. This I think ought to have no weight; nature has given a variety of soils, and different abilities to men; those who wish to establish equality must use the bed of Procrustes. Well may they be denominated levellers who would reduce all landed proprietors to mere cultivators. Mr. Dundas has observed that "hereditary estates in Scotland were flourishing, whilst the crown forfeitures, under factors, were every where distinguishable by their desolation and sterility; this has caused their restoration to their ancient holders."

By making Mocurrery estates, the Company has been enabled to establish courts of Adawlat, and to interpose the shield of justice between the cultivator and landlord, which would be impossible were the Company's revenue officers to make monthly collections from the Ryots.

By separating all power of taxation, of transit duties, &c. from the Zemindars, oppressions almost innumerable have at once been abolished. Mr. Willes, the Collector of Sylhet, in his letter under date the 24th of October, 1790, says, "Under the Bunder, by a late investigation, I found, that thirty Chokys, at every one

The land is to be measured.—

Then to have

Classes.	Pungah, or Dry Land.		Totacal, or Garden Land.		Nungah, or Wet Land.	
	C. Pagodas.	F. C.	C. Pagodas.	F. C.	C. Pagodas.	F. C.
1st. . . . .	1	0 0	10	0 0	6	0 0
2d. . . . .	0	9 8	9	5 0	5	5 0
3d. . . . .	0	9 0	9	0 0	5	0 0

✓ The dry land has 19 subdivisions, the garden land the same, the wet land only 10; no information however is given of the sources from whence these tables are formed,—a measurement of course is necessary. A Tehsildar or the collector must go a circuit to encourage the cultivators to get their ploughs to work. These are Mr. Munro's words: "when the ploughing begins the Potail ascertains what land each Ryot can cultivate; he does not fix the rents, because that is done by the collector, because the settlement may be raised or lowered by the collector; they are satisfied with a promise." (few English farmers would commence agriculture on a bare promise) "The collector sets out on his circuit in September or October, *when the early crops begin to be reaped*. On arriving in a district, he assembles all the Ryots of the four or five nearest villages,"—if the collector has many villages to fix the revenue of the Ryots, the crops must be reaped before he has concluded his engagements; the assembly of the Ryots at this period is of great injury. The sub-collectors do the same:—"If the crops are bad, and it appears that some of the poor Ryots must have a remission, the loss, or a part of it, is assessed upon the lands of the rest, where it can be done without causing any material inconvenience." A farmer in England would

of which unauthorised duties were collected ; and some of these were solely established for the purpose of forcing boats to take a circuitous route, that the Bunder duties might be exacted. I could enumerate many other oppressive exactions, made by the Derossas of Bazars, such as taxes on the birth of children," &c.

" Mr. Elliot in his report, recorded 18th Aug. 1789, displays a specimen of impositions which raised the price of commodities above 100 per cent. in three days' journey." So various indeed were the extortions enumerated, that human ingenuity can scarcely devise one unpracticed ; and such were the destructive consequences, that in some instances the expenses of establishments exceeded the amount of the collections.

This separation of the Sayr collections, from the Zemindars, and the resumption of them by Government which caused the abolition of nearly every one of them, I shall always deem one of the great advantages of the Mocurrery System. " Monsieur Turgot had formed a plan of substituting one direct tax, instead of the multiplicity of indirect taxes of every kind, which are the scourge of industry and of commerce, and the prime source of the misery and the poverty of the people.

It is well known how greatly the commerce of France is restricted by tolls and market duties ; the remains of feudal anarchy, which distinguished by a variety of barbarous names, direct commerce from its natural channel, increase the price of necessaries, occasion a superfluity in one place, and a scarcity in another."

If my Letters, when a collector of Bahar, or my minutes in the Revenue Board respecting the taxes be

stare if any part of his neighbouring farmers loss was put by the landlord upon him.—“If a Tehsildar lowers rent without cause, the Ryots who do not share in the remission, object to it and complain, or if without altering the rent of the village, he lowers that of one Ryot and raises that of another unjustly, the Ryot on whom the extra rent is thrown complains. There are cases in which he does so, either from ignorance or corrupt motives, but where the collector is vigilant, they are not frequent. There is indeed no possibility of preventing them altogether, for the collector when he makes the settlement in person, may be deceived occasionally by the servants of his own Cutcherry, who may be dishonest as well as the Tehsildar.”—I desire the whole letter may be carefully considered. He says “without native Tehsildars, the Company’s servants could do little or nothing. The most experienced collector could hardly make the settlement of ten villages in a whole year, and after all it would most likely be done very indifferently. The native servants are restrained as far as men *with inadequate allowances* can be restrained.”

Marquis Cornwallis was always in favour of adequate salaries for officers in responsible situations of high trust. If a view be taken from a map of the Company’s territories from Ceylon to Sutledge on the banks of the Indus, an estimate may be formed of the number of European collectors and of the native Tehsildars, who must be employed to go through the above-mentioned minutiae and details, and of the amount of the salaries to be given for trusts requiring a combination of zeal, knowlege, activity, assiduity, and integrity, together with

referred to, the foregoing extract will be found exactly to tally with him.

The Abkarry or tax upon spirituous liquors, was retained for Government, and I am sure that a great revenue might be obtained from it under good management, if there be a sufficiency of money circulating in the country.

In Coxe's travels, Vol. 2d. page 203, are the following statements of the revenue from the tax on liquors.

“ The sale forms at present nearly one third part of the Russian revenue. In every part of the empire, excepting the Ukraine, and the conquered provinces, the crown alone has the privilege of selling spirituous liquors. The vast increase of this branch of finance, will best appear from the following table :

Until 1752	. . . . .	£540,000
Ditto 1770	. . . . .	620,000
Ditto 1774	. . . . .	900,000
Ditto 1776	. . . . .	1,500,000

By the new lease for four years, commenced 1779, at the annual rate of 1,800,000l. Of this sum Petersburg and Moscou pay 464,000l. per annum.”

By Marquis Cornwallis' desire, I resigned my station at Gya, and accepted a seat at the revenue board to establish the revenue system throughout the Bengal government, and to arrange the Sayr System, and would have continued till all had been accomplished, had not sickness compelled me to go on board a ship, the physicians having declared, that I could not live if I remained. To my minutes on that Board I must refer for details of the Saye. ✓

✓ a robust constitution. Mr. Munro proceeds, Section 6, “ though the crop should be considerably advanced before the individual settlement is begun, yet it ought not to be delayed beyond this period, and the sooner it is then finished the better. If it were possible it would be of great benefit to the inhabitants that it could be effected the first time the kist becomes due, because every cultivator knowing the full amount of his rent, and having the whole of his crop in hand, would see at once how far it was likely to answer the demand upon him and would thereby be the more enabled to turn it to the greatest advantage. If it was more than sufficient he would lay up a part to sell late in the year. If it was inadequate, he would still endeavour, by selling it only by degrees in proportion to his kists, and by curtailing his expences to pay his rent. But when his rent is not settled till after most of the kists are collected, it is sometimes higher than he expected; he has probably not been so careful and economical as he would have been had he known the amount of it earlier, and therefore unable to make it good. On the other hand, while he remains in this state of uncertainty, he *sometimes suspects without cause*, that his rent will be raised higher than is actually intended. He perceives that his grain will not equal the demand against him, and he sells it in a hurry at a low price, and absconds with the produce. It is therefore of importance that the individual settlement should never be longer delayed than is absolutely necessary, for the same bad consequences often ensue from uncertainty, as from a higher assessment.”



I will now give a very pleasing Extract from the Letter of the resident of Benares, to demonstrate the good effects of the System, dated 1793, See page 208.

“ The present enhanced prices of sugar, is a circumstance highly favorable to the cultivator of cane, and also to the Government, for it enables the farmer to pay with the utmost ease not only the revenue of the cane lands, also, if not the whole, at least the greatest proportion of the rental of their barley fields, &c. Conscious of this manifest advantage, and happy and secure under the tenures of the permanent settlement, the cultivation of the cane is rapidly increasing, and will, there is every reason to believe, continue to do so, under the influence and protection of a system founded on principles of the wisest and most liberal policy.” Here I think it my duty to point out particularly to the observation of Government a circumstance which will afford the greatest satisfaction. In the year 1787-8, the exports of Chenee, (fine sugar) amounted to only—Maunds ..... 76,074 But they increased in 1791-2 to ..... 170,352 The Exports of Shukue (another kind of sugar)

were in 1787-8—Maunds ..... 7,037  
And increased in 1791-2, to..... 13,615

The causes of this great increase are very obvious; 1st, They have arisen from the entire abolition of all the various, and in some degree indefinite rahdarry (transit) duties, formerly collected in this Zemindary, as most ably detailed in Mr. Barlow's report. 2ndly, from the establishment of the regulations for the Customs which were issued on the 29th March, 1788. 3rdly, from the

It must appear extraordinary to an English farmer, that a government officer is to go with full power on his land and to fix an assessment, ad libitum, according to his own valuation. Who but a Hindoo would commence cultivation with such uncertainty ; he has no alternative but to cultivate or starve. Mr. Munroe says “ that the Ryot *sometimes suspects without cause that his rents will be raised higher than is actually intended.*” Does he mean by this that the Ryot in general suspects rightly, and is only sometimes agreeably deceived ? If he does so, I agree with him, for, as it is usual to make Russudy Jummas, or annual increases upon supposed improved cultivation, the Ryot by a woeful experience in general apprehends too truly some enhancement of rent, and when a collector or Tehsildar does not augment his demand on the revenue of last year, it is a blessing unexpected and unusual. In my “ Rising Resources” I have shewn that a crop having been valued when almost ripe at above its probable produce, the Ryot has refused to reap it at the assessment, and has left it to rot on the ground, and stole in the night what he could for his own subsistence. There are two crops in the year, the ~~Russidy~~ *Russidy* and Rubbee, in the latter crop is included opium, sugar, tobacco, cotton, &c.; the rate per bega on sugar in Benares and Bengal is now I perceive about 3 rupees per bega ; (the third of an acre) I have known four times this sum demanded, and what could the poor Ryot do ? to irresistible power he must yield :—Mr. Munro justly observes, that “ there is often more mischief done in one year of over-assessment, than can be remedied by seven of moderation.”



steady and impartial administration of justice. And 4thly, from the salutary effects of the settlement made in 1788-9, and subsequently of the decennial one, in 1789-90. These settlements, by annihilating all the Abwaubs (impositions and arbitrary dues) formerly collected from the Ryots, by destroying the many avenues to exactions heretofore committed upon them, originating from the uncontrolled rapacity of aumils annually chosen, and by inspiring that confidence which naturally arises to the cultivator from his experiencing the blessings of a permanent tenure; were the happy means of infusing an extraordinary spirit of industry and exertion amongst the Ryots in general, and of producing consequences truly valuable and gratifying, such as indeed reflect the highest credit on the wise and liberal policy that formed and adopted the measures which occasioned them. These, it may be truly said have placed the Zemindary of Benares in a situation of the most flourishing prosperity, in respect both to cultivation and commerce."

I will now quote from the very masterly report of the commissioners deputed to make a permanent settlement of the ceded territories in 1808, page 29. 162. " We could not fail to observe the singular difference which the application of greater capital and greater industry is capable of producing, in contiguous lands.— While the surrounding country seemed to have been visited by a desolating calamity, the lands of the Rajahs, Diaram, and Bugurant Sing, under every disadvantage of season, were covered with crops produced by a better husbandry, or by greater labor.

163. " *When we reflect that the miseries of famine*

✓ When the Ryot has to pay his kist (instalment) before he cuts his crop, must he not borrow money at most usurious interest? and will not the lender augment his interest, for running the risk of the Ryot being ruined by Government's officers?

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^ When a Zemindar has a permanent tenure, will he not make early engagements with his Ryots, to induce them to increase the best crops? and can he not grant long leases? and will he not be moderate when seasons are unfavorable, lest his Ryots should abscond? and will he not be induced to dig wells and make water-courses? Mr. Munro in page 101, says, that " though the first year his Ryotwarree settlement will only give an increase of 8,557 pagodas, that in ten years, on the rents paid to government, of 10,024,050 pagodas, there will be an increase of about 3,000,000 pagodas." Must not these increases ruin the country? Is it not this constant avarice of increase which creates apprehensions and uncertainty, the bane of all improvement?—Mr. Munroe in the above-mentioned paragraph, says, " the highness of the land rent is in this country the chief obstacle to the increase of population; a remission of rent in favor of a few Zemindars or Mootahdars, would be no remedy for the evil, but a remission to the Ryots, by enabling them to extend their cultivation and augment the produce of food for their families, would in a great measure do it away."

Here he does not appear to suspect that the public officers employed, may avail themselves of these remissions to benefit themselves. In page 91, he states, " perhaps there is no Curnum, who in any one year

*may be averted by such a difference of circumstances ; when it occurs to us, that these miseries have perhaps been averted in Bengal by the lamented patriot who gave the permanent settlement to that country, we feel the utmost repugnance at the idea of opposing its extension to our new possessions."*

These commissioners however for several reasons recommended a postponement in the following and several other paragraphs.—“ 230. We are ourselves fully sensible of the many advantages which may be expected to result from a limitation of the public demand upon the land. We are aware that temporary settlements are harrassing to the people, and that they afford opportunities to fraud and abuse. It has been questioned, indeed, whether a country can make any considerable advances in improvement, whilst the public taxes are progressively increased, and the individual is not permitted to enjoy any benefit from the execution of greater industry, but with every previous disposition in favour of the principles of a permanent settlement. We submit to your Lordship in Council our deliberate and unqualified opinion, that the measure considered with relation to the ceded and conquered provinces generally, is *at this moment* unseasonable, and that any premature attempt to introduce it, must necessarily be attended with a material sacrifice of the public resources, and may in particular cases prove injurious to the parties themselves, whose prosperity it is the chief object of the measure to secure on a durable foundation.”

Mr. Colebrooke's minute, censuring the postponement of the permanent settlement, is full of powerful

ever gives a perfectly true statement of the cultivation of his village, and it is only the fear of removal or suspension that can make him give such accounts as are tolerably accurate." Here let me ask whether a vassal has any mode to defend himself from oppression, but deception : cunning can only counteract superior force. Why were modern Greeks proverbially fraudulent, but because they could only employ subterfuges to avoid tyranny. In page 712, there is an account of one agent's embezzlements in Cormbatore, amounting to 2,614,010 pagodas; as the Company's collector was sick, and died. The exactions were so excessive, that they occasioned a commission to enquire into them. The commissioners were Mr. T. Munro, and Mr. J. Sullivan; their report occupies from page 708, to 754. They state, " on the whole, the country is in a worse state than it was eight years ago, but the decay of the resources is not so great, nor such as a few years of attention may not restore." It would not perhaps be fair to dwell on this instance of gross fraud, under a collector who was incapable by sickness of attending to his duties; but that such practices may occur again cannot be denied, and therefore ought to claim attention. Let me now proceed to the conclusion of the paragraph from which I before quoted: " Were it not for the pressure of the land rent, population ought to advance more rapidly in India than in America, because the climate is more favorable, and because there are everywhere large tracts of good land uncultivated, which may be ploughed at once without the labor and expense of clearing away forests. As there are above

reasoning. I would copy the whole, but it contains 63 sections, and might be deemed prolix by those who do not feel deeply interested. I must, however, make a few short extracts. He begins by saying—

(Section 2.) “ I trust that the arguments which were not suffered to weigh against a measure recommended by wise and enlarged views of policy, but not then promised to our subjects, will not be allowed greater weight at this momentous period, against a similar one, equally recommended by liberal considerations of policy, and solemnly promised by an express declaration in a legislative Act.

3. “ Government is pledged,” &c.

4. The pledge which has been thus solemnly contracted, cannot be forfeited, without such a glaring violation of promise, as would indeed lose us deservedly the confidence of the people. I do not mean to say, that the obligation which has been voluntarily contracted, is so indispensable, that no exception can on any consideration be admitted. Some exceptions must unavoidably be made.”

Mr. Colebrooke after adverting to the arguments in favor of postponing the Mocurerry Settlement, proceeds thus—

31. “ After the lapse of eighteen years, we are now enabled to pronounce with certainty on the solidity of the objections which were urged against the permanent settlement of Bengal. That the distribution of the assessment was not originally equal, is indisputable. That it is now equalised, will not be asserted; but experience has not shewn that the inequality of as-

✓ 3,000,000 of acres of this description in the ceded districts, it cannot be doubted that a very considerable addition will be made in twenty or twenty-five years to the population, *and also to the land rent, beyond the highest estimate which has been made of it.*"

^ Here is the burthen of the song, which causes postponement of security from land tax exactions, which keeps the people hopeless and distressed, and prevents attachment to the British rule.

The following is an extract from the report of Thomas Munro and J. Sullivan, Esqrs. Commissioners, deputed to Cormbatore from page 712 to 754. They exhibit the malpractices of a native servant under a collector, when rendered by sickness incapable of attending to his duties.

By Cash charged for tank repairs not disbursed .	42,140
Ditto, Tobacco monopoly, ditto . . . . .	110,517
By private Collections of Nuzzerana, or presents . . . . .	14,717
By embezzlements in payments for Commissaries, sheep, &c. . . . .	2,373

In another part of the commissioners Report are the following items :

No. 1. Nazzerauna . . . . .	83,590
2. Extra collections for various purposes from the Ryots . . . . .	62,633
2. Collections for Village Expences . . . . .	19,694
4. Ditto, for Tank Expences, not disbursed.	1,829
5. Ditto for Provisions of Cutcherry Servants	1,386
6. Ditto for Tuckarry, or advances to Ryots not disbursed . . . . .	2,212
7. Value of Sheep and Grain not delivered by the Ryots, and not paid for to them.	3,877



assessment has been productive of those evils which were then foreboded, and which are now again anticipated, in regard to other provinces.”

“ I appeal to this experience in preference to any speculative argument. The designs of the settlement in Bengal has been fully answered.”

34. If a permanent settlement on a moderate scale of assessment, leaving to the landholder the whole benefit of future improvement, from the cultivation of waste lands, was in Bengal a judicious measure which justice called for, and which policy dictated, and which the interests of the Company countenanced, how much more is a similar measure recommended by like considerations in regard to our new territories. It is of the utmost importance, it is essential to the safety of the State, to conciliate the great body of the landed proprietors; to attach to the British Government that class of persons whose influence is most permanent and most extensive; to render it their palpable interest to uphold the permanence of the British Domination; to give them a valuable stake in the present administration of the country. This can be in no other way accomplished, but by creating for the proprietors or possessors of the soil a beneficial interest, which emanating from the British Government would increase with its duration. The landholders enjoying their estates under a moderate assessment fixed in perpetuity, are not ignorant that a change of Government would be followed by the exaction of an enhanced assessment. Love of novelty may blind some, dissatisfaction with the local administration may indispose others; some may be tur-

8. Bubes to Tehseldars (native collectors)	
for concealing rent of land . . . .	2,483
9. Collections of land rent, and taxes concealed . . . . .	47,299
10. Gain on exchange of coin . . . .	924
11. Produce of unclaimed cattle . . . .	11
14. Cash taken out of the collections by the Tehseldar . . . . .	22,241
15. Produce of grass land concealed . . . .	11,632

These are the embezzlements of the principal native agent of the Company's collector for nine or ten years. I mean not to imply that such frauds are common, but to demonstrate what may be done in a greater or less degree, when the officer of government is sick, indolent, or incapable, or has raised to favour a sub-agent, who by flattery and mis statement may delude. When Ryots complain, to an equitable, active, and firm collector, of a Tehseldar or sub-agent, the latter, who by his office, has ready access to the collector, will make out a plausible story, and if it be discredited, he will finish with this most weighty and irresistible argument to obtain delay. "If you, Sir, now listen to the Ryots, my authority will be annihilated, my collections will cease, the revenue will fall in arrears, and thus you insure the displeasure of your superiors. Postpone, at any rate, your investigation till the season for realising the Ryots instalments expires, and then I will answer complaints, and prove that this is a mere conspiracy to cause confusion, and to evade payments." I experienced this distressing embarrassment under the farming system. If the oppressing farmer were immediately stopped in

bulent by inclination, others may be restless by habit: but the greater number sensible that they benefit by the continuance of the British authority, would be little disposed to listen to the suggestions of disaffection. If on the contrary, the utmost revenue be exacted, the landholders have nothing to fear, and every thing to hope from a change, and the consequent impulse to promote that event will be permanently added to the other causes of indifference or disaffection, which have been pourtrayed by the Board of Commissioners.

38. “ It appears to be a very prevalent opinion that the British system of administration is not generally palatable to our Indian subjects. Admitting this opinion to be not unfounded, it follows that while they taste none but the unpalatable parts of that system, and while the only boon which would be acceptable to them is withheld, the landed proprietors and with them the body of the people, must be more and more estranged from the Government, in proportion to the expectations which they had formed, and the disappointment which they will have experienced.

39. “ In Bengal, where the national temper is indeed less turbulent,—in Bahar and in Benares, where the popular character and the disposition are the same as in the Western provinces, the permanent settlement has been long since tried with ample experience of its benefits. No disaffection, no discontent are there supposed to prevail amongst the landholders and the peasants.—Is it credible, that the Zemindars, who have the experience of a moderate and fixed assessment, should be so insensible to the advantages which they enjoy, or

his career, balances were inevitable ; if inquiry were postponed, he would by threats or arrangements, prevent future complaints, which also the Ryots would be deterred from making, if they found their first petition unredressed. In justice to the collector of Coimbatore, deceased, I have to state that the Board of Revenue acquitted him of participation in his agents malpractices.

The public correspondence extracted from the numerous documents on this subject occupies 100 folio pages; what must have been the trouble of the Commissioners in taking evidence and in investigating the detailed accounts, and what a loss must have been sustained by numerous officers and witnesses attending the commissioners' court.

Let the company estimate how much this Zilla has been injured, what loss of revenue has been sustained, what expence of time and of money has been incurred. Let them also regret that a Zilla has retrograded, which ought to have been constantly advancing.

✓ The Revenue Board of Fort St. George, in their letter of the 29th February, 1812, state the proportion of the government from the gross produce to be 55 *per cent*; that 45 is left for the Meerasdar, or hereditary proprietor of the land and the cultivator. Is not 55 the lion's share? Let the expence of seed, of ploughing, of manuring and of harvesting, and of interest on sums borrowed to pay the kist of government be deducted, and what will remain for the cultivator and landholder?

In the same letter it is stated that the government's

so ignorant of the consequences which would follow, as to desire or in any way promote a change?"

40. " In fact no apprehensions have been entertained for the public tranquillity on withdrawing the military force from those provinces ; and whenever the internal peace of the ceded and conquered provinces shall be as well secured, nearly the whole military establishment will be available for the purposes of active warfare. No measure would more essentially contribute to this very desirable end, than that of a permanent settlement ; and even if it be attended with some sacrifice of future revenue, that would be more compensated by the increased sufficiency of military strength, giving a greater disposable force in war, or permitting a greater reduction of expence in peace."

44. " Neither can it be admitted that relinquishment of a claim to participate in the future improvement of landed estates, is an entire sacrifice of the revenue. I cannot think it would be unreasonable to attribute the productiveness of the salt revenue and the Abkharry (a tax on spirituous liquors) in Bengal and Bahar, to the increased opulence of the country, ascribed to the permanent settlement as the principal cause of its growing prosperity."

Mr. Lumsden's able minute strongly corroborates all the foregoing observations. That the export of cotton and of opium, has greatly increased, may be also assigned to the same causes. These are sent to China to pay for teas, which yield a great revenue to the Company and the Government.

By augmented products only can the natives yield

proportion of the grain to be paid for by the Meerasdar, according to the selling prices of the day, is to be determined in the month of January, for the Cudda-poor crop, and in the month of April for the Sambapestrannum crop. The prices to be reported to the Board of Revenue, and to be approved of by the Government, previously to their being declared the fixed prices of the year. Suppose the Government does not fix the prices, what is the collector to do? suppose the cultivators object to the price fixed? suppose they assert that the Government's 55, valued, exceeds the real share which the crop will yield?

It is stated that in England a third of the produce of land is for the landlord, a third for the farmer, a third for expences. The landlord and farmers are rich; when therefore there is a bad harvest, they can easily pay a light land tax; but in India, when there happens a drought or deluge, the loss must fall principally upon the Company. Even when partial failures of crops ensue there must be deductions, and then the Tehsildars have great opportunities to commit frauds. Tucavy also must be advanced to purchase seed, and to support the Ryot for the ensuing year's cultivation.

Mr. Monro has displayed uncommon zeal and exertion, and has communicated much useful information; he has also very humanely recommended a reduction of 25 per cent. from Government's share of the gross produce. Any system under such abilities, activity, and integrity, would succeed for a time, and might afford an increase of revenue by great encouragement to the Ryots, by a confiding Government allowing him to make advances.



annual tributes, or can the territory prove beneficial to Great Britain."

In the selection of papers above mentioned, there is a most valuable letter from Bengal signed Lord Minto, N. B. Edmonstone, and my quondam highly esteemed assistant, A. Setton. It would gratify me to copy the whole, from page 179 to 204. It is with reluctance I confine myself to short extracts.

"We maintain that no scheme can be devised, by which a variable land tax shall not operate as a discouragement to agriculture; certainly not in opposition to Dr. Adam Smith, but in perfect concurrence with his sentiments, viz. "the discouragement which a variable land-tax might give to the improvement of the land, seems to be the most important objection to it. The landlord would certainly be less disposed to improve when the sovereign, who contributes nothing to the expense, was to share in the profit of the improvement."

"No proposition can be more self-evident, than that the industry and capital employed by landholders in the improvement of their estates, that is in the general amelioration of the country, will be proportioned to the profits, which the application of such industry and capital may be expected to afford to them or their descendants. To attempt therefore to increase the public land revenue, in proportion to such improvements, must under any circumstances operate as a great check, if not absolute bar, to the accomplishment of this important object."

The decrease of the revenue is there shewn of Bengal, Bahar, and Orissa, from 1783-4 to 1792, and its

My objection is that it depends for success on a multitude of agents, all of whom must be endowed with almost supernatural powers, and virtues, as the *main spring* of all human prosperity, *self interest*, is discarded.

Mr. Thackery in his letter of the 16th October, 1817, gives a candid description of the difficulties and results of the existing Ryotwarree System. "The difficulty of keeping up the revenue will be more felt every year, as the power of the revenue officer declines; if we do not come to some fair and permanent terms, the Ryots will try by frauds, falsehoods, petitions, and prosecutions, to evade the fair as well as the unfair demand. The revenue officers must try by the patronage, influence, and means, still left them, to keep up the revenue, or the Government will lose a great deal of fair revenue. The bad consequences of the struggle must be evident; it has produced bad consequences already. The struggle hurts the moral character of the people; it would be better to give up some revenue to induce the Ryots to come to permanent terms. If the annual pottah, (which he considers an acknowledgment from the highest authority of his at least temporary right,) affords him encouragement; how much more interest would a permanent pottah give? There is no doubt of the great advantage of some permanent settlement, many of its practicability. Here the people if not impoverished, are debased and suspicious. There have been so many changes and monopolies, so much Circar interference, so many exactions and restrictions, individuals have so long and often abused the name and authority of the state, that the people seem to have lost all sense of truth and

increase since ; viz. the revenue declined in the first period from 284,45,572 to 264,16,819, and were in 1811-12, 271,96,826. These gentlemen conclude as follows :

“ The public revenue may be collected without any material defalcation, and some partial improvements may even be effected under the restrictions which have been or may be established, in regard to the term of the settlement. But if it be our wish to effect those rapid improvements in the agricultural state of the country, which have of late years taken place in Bengal ; to turn the people from their refractory habits, which are still too prevalent among them, to the cultivation of the arts of peace and of productive industry ; to infuse into the landholders a warm and zealous attachment to the government, founded on the solid basis of their own interests, and finally to ameliorate generally the condition of the natives, it is our firm conviction, that no arrangement or measure will tend so speedily and effectually to the accomplishment of those important objects, as the establishment of a permanent settlement.”

MINTO,

N. B. EDMONSTONE,

ARCH. SETON.

*Fort William,  
17th July, 1813.*

Mr. Colebrooke, in a minute which follows this able Letter, page 196, states, that the customs which at the time of their abolition were assessed at eleven lacks.

justice. After so many years of peace and plenty, it is lamentable to find the revenue less secure, the people less respectable, and perhaps intelligent, the servants less to be depended on, and private rights not more certain and secure than when the province first came under the Company's government. No other improvements are to be observed, than those resulting from the situation of the province, and military reputation of the Government, which have protected it from foreign invasion, and poligar pillage. The system here has been to make the Cutcherry of the collector the focus of all business, the depository of all power, the source of all influence, the arbiter of the fortunes of the landed proprietors, the comptroller-general of agriculture and commerce. The collector not only regulates whether the rent should be paid, but whether half or quarter rent. The most intelligent and active collector will make not unfrequent mistakes, but where from whatever cause he neglects his duties, the worst abuses follow. It gets more difficult every day to carry on the present system of temporary expediency, and the Government may lose more by the struggle between the revenue officers and the Ryots, than by giving up what may be necessary to induce them to come to some permanent terms."

"The revenue officers must not give up the just rights of the Government, they act at their peril, and must be considered the stewards of a great landlord, rather than formerly, as the representatives of the Government; all these difficulties were known when the village leases were introduced."

(100,000) yielded since their establishment in 1811-12, rupees 16,68,336.

“ The Abkaree, or tax on spirituous liquors in 1791, when separated from the land revenue, only 34,602 yielded in the years 1812-13, the sum of 834,695, exhibiting an increase of eight lacs.

“ In the Salt Department, a still greater increase has been effected, viz. The amount collected in 1789-90, rupees 65,03,778; and in 1811-12, 1,17,71,802.

Mr. Colebrooke will not “ take credit for *a similar encrease in the net revenue of the opium*, as the whole of this revenue is levied on foreign consumption, but surely if the Mocurrerydar, by encouraging the encreased cultivation of opium, enables the Company to sell a quantity greatly augmented, their profit should be attributed to the security and encouragement given by permanent settlements.

The duty on stamps is then mentioned, but that is not considerable, nor in his opinion likely to become so.

“ The aggregate of all these greatly exceed what can be considered to have been foregone of land revenue.”

It is with much gratification I read Mr. Colebrooke’s statement of “ the encreased expenditure of Landholders enjoying augmented incomes which do not escape taxation; the encrease of revenue from salt, abkarree, &c. must be principally attributed to the diffusion of wealth and general improvement of the condition of the people, which have been the result of the permanent settlement and concomitant arrangements.”

“ Neither does it appear unreasonable to expect that such a change in the habits of the opulent part of the

Mr. Sullivan in some of his reports, particularly paragraph 42, of his Letter of the 7th September, 1816, seems anxious to introduce some permanent system.

That an idea may be formed of the vast mass of details which must be accumulated by Ryotwarree Settlement, I refer to the following extract from the selection of papers, page 898. “ In Canara there are at present no less than 43,366 persons paying land revenue direct to the officers of Government, and as the average collections from each are only eleven pagodas, thirty-seven fanams, and fifty-five cash (11p. 37f. 55c.) per annum, it is evident the revenue is there realized in great, though perhaps not in quite so much detail as in Malabar.”

The following is an extract from Sir John Malcolm, who explains the management of Mahratta rulers. “The best and most popular mode of realising the revenue of central India, is by granting leases of ten, twenty, or thirty years, to respectable men. The worst and most dreaded is that which prevails (particularly in Scindias districts) of annual changes of managers and renters:—such take no interest in the prosperity of the country, and commit every excess to make up the sum they require. But there is still, except in very extreme cases, under all this mismanagement, not nearly so much ruin and general distress as might be supposed. This can only result from the Government, with all its arbitrary acts, being defrauded by a combination, which extends from the prime minister to the poorest cultivator of the smallest district. The uncertainty of station makes all tremble at the prospect of proved guilt; and hence that



community may take place, as will induce a more general consumption of luxuries, &c. After taxing tobacco to the utmost, an article of unusual consumption, market duties, &c. may be renewed, should the necessities of government absolutely require an augmentation of revenue, for which provision cannot be made by other taxes."

Mr. Colebrooke, after this, expresses regret at the disappointment of the Zemindars of the ceded and conquered provinces, and justly observes, "the disappointment of this expectation will be imputed by them to breach of faith, in withholding the fulfilment of a promise, and declining to give effect to rights conferred on them by the British government. The unequal treatment in this respect received by them, of which they will be continually reminded, by comparison with the condition of their more fortunate neighbours in the lower provinces, will rankle in their minds: less grateful for benefits received and for the advantages of peace and protection enjoyed by them, than resentful for what is withheld, *they will remain dissatisfied and disaffected.*"

"If we would secure the attachment of the great body of the landholders, (and in securing their attachment we command that of the whole peasantry and mass of population influenced by them) we must give them a permanent interest in upholding our government. They must have nothing to hope, and every thing to fear from change. They are a people bold, and by disposition turbulent; not to be conciliated solely by protection in the enjoyment of peace of which they are

union between heads of villages, renters, collectors, and Government officers, which enables the lowest to keep the highest in check. The balance against a village is often cancelled by a collector, to prevent the Potal and head cultivators from preferring a complaint or exposing some concealed items of revenue; and the collector in his turn secures his office for years by being able to prove fabricated accounts in the office of the Furnavese, or by having given a bribe to a minister."

The same gentleman in an appendix, gives the following statement of demands from cultivators:

1. Burar (or Ayeen pomma) fixed revenue.
2. Seyt, an assessment for the payment of the salaries of Tehsildars, or the Rawul's, or Prince's retainers.
3. Koowur Sukrie, for the expences of the Koowur's eldest son, (Sukrie means the first, or morning meal.)
4. Kaamdar Sukrie, 10 per cent. for the expences of the Kaamdar, or minister.
5. Lawgut Karcoon, for the Government's officers.
6. Oodra, a collection originally intended for the payment of certain troops.
7. Rhatil Ghora, for feeding the Kharwal's horses.
8. Rhattee Kulal, a trifling tax on liquor-shops.
9. Pandur Tuchack, for the expences of the great Nowbut, or drum-beater.
10. Pourah Burar, for the provision of a Buffalo for sacrifices at the Dusserch.
11. Sheverat, for charges of the festival in honor of Seva, in the month of Megh.
12. Screephal, for the supply of cocoa nuts during the Hooly, it being usual for the Kawul to distribute that fruit to the Thakoors, Zemindars of villages, &c.

even impatient, but by the strict fulfilment of the word of government to their entire conviction of its good faith, and by giving them a deep and vital interest in its stability."

With reluctance I am compelled, to avoid prolixity, to omit much valuable matter in this statesmanlike minute, wherein he says, that "the present Mocurerry landholders in Bengal and Bahar, are opulent and prosperous; increase of agriculture has proceeded with a rapidity surpassing expectation, and, in the greatest part of the country, has already reached its limit, unless it receive new impulses from the introduction of improved modes of husbandry." -

Let me here, whilst it is in my memory, recommend, that all the instruments of agriculture lately invented in Europe should be sent out to the several presidencies in India, and that each of them should have a farm similar to that of Rambouliet established by Napoleon for the instruction of the cultivators. This has rendered much useful exemplary information, "*fas est et ab hoste doceri.*" It is even of importance, in a political view, to direct the attention of the natives to these laudable pursuits, and to produce conciliatory correspondences, as farmers very rarely have the spirit of monopoly to conceal improvements.

Although I may have relied too much upon the inclination of those who may peruse these extracts, yet I cannot refrain from giving the following extracts from Lord Moira's valuable minute dated 21st September, 1815, page 403 to 435, section 161.

161. "The advantage to the country is, however,

13. Waujah, for the maintenance of the Eawab's wardrobe.
14. Sir Pitosa, for the maintenance of the Ranee's ditto.
15. Paundoo, for the wages of the attendants of the Rawul's horses.
16. Ghora Churahee, a tax levied under the head of extra charges; for men who have been sent to bring home the Rawul's horses from the villages where they were sent to graze when out of condition.
17. Chara, for the supply of grass for the horses.
18. Dalalee, or tax paid by the Dulal's or broker's agents between purchasers and sellers.
19. Kussera, a tax on workmen in brass and copper.
20. Dep Ghur, a tax paid by manufacturers in leather, for all shields, oil vessels, &c.
21. Bhurawet, a tax paid by manufacturers of coarser ornaments for the legs and arms of women of the lower orders.

To all of the above was added on the invasion of the Mahrattta armies

Kurnee, for the payment of a tribute to a foreign power, to which all descriptions of inhabitants were obliged to contribute."

It is impossible to particularize the variety of contributions, as the Rajah's Zemindars or Tehsildars were accustomed to introduce impositions as opportunities offered. Sir John Malcolm states, " In 1805, when Jusurunt Row Holcar was in pursuit of Lieut. Colonel Morton's corps, the death of numbers of his bullocks made him levy one bullock each from many villages. The tax did not cease with the emergency, but it was commuted for money, and ten rupees are still paid by each of these villages."

best judged of by its effects. There is at present little or no emigration of the agricultural class: indeed it is found that proprietors before driven into exile, or into the search of other means of livelihood, such as military service, daily come to reclaim the lands they had been obliged to abandon, in the certainty that they now have ceased to be unprofitable."

162. "The wages of agricultural labour are much higher than they used to be, which is solely attributable to the increased demand for labour of this description. The more valuable articles of produce are also cultivated with much more spirit; and the most astonishing efforts are daily made to conquer natural defects of soil, as well as to preclude the evils of casual calamity of season."

163. "There can be no doubt, indeed, that the produce and the profits of agriculture have been increased in a very surprising degree, since the country fell under our administration. The comparative prosperity of the several cities may form a good criterion of this, and the rapidity with which they are increasing, both in size and population, is scarcely credible."

164. "The abolition of those arbitrary sayer imposts which each Zemindar conceived himself entitled to levy on all goods that entered his domain, has now left open to every proprietor a free market for all his produce, to which it may be carried without the fear of violence or exaction in the transport."

165. "The beneficial system on which the custom and town duties are now collected here, at the same time, left the rates of the market free from the opera-

These *Mamooly* or customary cesses were the sources of endless disputes and of great frauds, and the collector or judge often found it impossible to adjust them.—When I made the Mocurrery Settlement, I prohibited the introduction of the vague word *Mamooly*, (customary) into pottahs or leases, and proclaimed that the *Zemin-dars* should only have a claim for the specific sum or sums expressed in the pottah, and no more on any pretence. If by negligence he omitted, or if he pretended to have omitted any due, he must abide by the loss. This was a great security to the Ryot, and had the best of effects. Under a Ryotwarree Settlement, the *Tehsildar* will always endeavour to exact these cesses to make up for any deficiencies in the collections, if not for his own emolument. Sir John Malcolm says, that irrigated lands which produce good crops are always rented for 6, 8, or 10 rupees per bega, a bega being about the third of an acre; thus an acre pays 30 rupees, at least 3l. sterling. If opium rises in price, the *Tehsildar* will contrive (having the power) to benefit the Government by an increase.

Mr. Mill in his 1st vol. has a very sensible chapter on taxes, which concludes with the following just observations: “An expensive mode of raising the taxes is the natural effect of a rude state of society. We are informed by Sully, that the receipt into the French Exchequer in the year 1598, was only 30,000,000 of French money, whilst the sum dragged out of the pockets of the people was 150,000,000. The thing appeared incredible, says the statesman, but by the due degree of labour, I made the truth of it certain.



tion of any local circumstances, and solely regulated by the broad commercial interests of the whole of India. In consequence of these *facilities*, commercial capital and enterprise have been turned towards the land, and an activity has been infused, of which every class receives the benefit."

166. "The display of wealth is no longer avoided as dangerous; but perhaps the most direct and positive advantage to the landed interest which has resulted from our occupation of the country is the discontinuance of the arbitrary practice of quartering troops on districts where they were to be provided gratis, in addition to the public dues of government, as well as the requisition of free gifts of several descriptions, besides the obligations gratuitously to furnish supplies, labourers, artificers, and carriage of every sort, whenever circumstances might bring a man in power or a body of troops to the neighbourhood of a village. The occasions for demands of this description were unlimited, and payment never was offered, nor could it be with safety."

Justice, humanity, and wisdom united, dictate that, of the eighty or hundred millions of natives whom we have subjugated, some should enjoy annual affluence and security of possession. We have deprived them of all civil and military offices; we have monopolized several articles of commerce; and if we oust at one fell swoop all the Zemindars, and collect from the mere cultivators according to their crops, what security will remain to them, what hope will be left them, consequently what common interest can attach them to us?

The proportion was doubtless greater in Hindostan." Receiving the taxes in kind was a practice which ensured a prodigious expence and a waste by which nobody gained. Scarcely any other mode seems to be known to the Hindoos in the times of their ancient institutions. By aiming at the receipts of a prescribed portion of the crop of each year, and with a very imperfect distinction of the lands of different powers, the Hindoos incurred most of the evils which a bad method of raising a tax is liable to produce. They rendered the amount of the tax always uncertain, and its pressure very unequal; they rendered necessary a perfect host of tax-gatherers and opened a boundless inlet to partiality and oppression on the one hand, to fraud and mendacity on the other."

In the same vol. page 272, Mr. Mill says "The rate established in the ancient ordinances, has been regarded as evidence of mild taxation, that is of good government. It only proves that agriculture was in its earliest and most unproductive state, and though it paid little, it could not afford to pay any more. We may assume it as a principle in which there is no room for mistake, that a Government constituted and circumstanced as that of the Hindoos, had only one limit to its exactions; the non-existence of any further to take. Another thing is certain, that under any state of cultivation but the very worst, if the whole, except a sixth of the produce of a soil, as rich as that of Hindostan, had been left with the cultivator, he must have had the means of acquiring wealth, and of attaining rank and consequence, but these it is well ascertained, the Ryots in India never enjoyed.

May they not say that their Mahometan conquerors were less injurious to them ; for, as they remained all their lives amongst them, the wealth they obtained they spent amongst them, and they had no foreign tribute to pay. The Mahometans also granted rent-free lands, and were indulgent to Zemindars to whom they might be partial. Under our government the natives complain of general impoverishment. We ought to be particularly studious ~~how~~ to encourage productions from the land, and our best policy is how, by lightening the land tax, we can excite industry and cause food and raw materials. By the Mocurrery system the land revenue only is limited, and every other source of revenue is expressly reserved for the Company. If the Company were to examine their records, and to estimate the expences and losses they have incurred by causing and suppressing the rebellions of Zemindars, they would be at once convinced of the short-sightedness of the policy which would virtually declare themselves lords of the soil, to the exclusion of the Zemindars, Talookidars, and proprietors of various denominations. A foreign sovereign ought to be particularly studious how to encourage articles for exportation, that specie, the life-blood of the country, may not be withdrawn.

Mr. Russel, in the Hydrabad papers, assigns as his reasons for re-establishing Kona Row, a principal Zemindar, that he had been in rebellion thirty years, and that his Ryots attached to him were thereby withdrawn from cultivation, and the Government was exposed to great expense and disquietude by maintaining an army ;

Mr. Mill approves of the humane and honorable anxiety, lest the happiness of the most numerous class of the population should be sacrificed, if the sovereign were acknowledged as owner of the soil. This acknowledgment he observes, would be no bar to a preferable arrangement, "since the sovereign can have a right to nothing which is injurious to the people."

I must confess that I deprecate distant retrospects about rights to the soil, because the further we go back from present civilization, the more we discover ignorance and barbarity.

A grant of land was discovered among the ruins of Monghier, translated by Mr. Wilkins, Asiatic Researches, vol. 1, page 123, 23 years before Christ. It would have been strange indeed if Rajahs had not given away lands to their relations, faithful servants, religious establishments, &c.; these grants however in general are perpetual donations of land, exempt from all claims of Government, and are therefore very objectionable, for all land ought to contribute a portion of its produce for protection enjoyed.

When the Mahomedans conquered Hindostan, they sometimes turned out Rajahs, and allowed them lands for separate maintenance, called <sup>now</sup> ~~Noukar~~. When also with a view to obtain accurate knowledge of the revenues, they turned out the Zemindars and formed Ryotwarree collections, they either allowed land or a percentage in money. The officers to keep accounts, such as Canongoes, were always continued, being real officers having duties to perform. Those who declare the sovereign the lord of the soil, because he was accustomed

that Kona Row, when he discharged his men, gave to each thirty-three rupees for seed, and a plough and a pair of bullocks: and thus, those became productive who were before destructive.

When a principal Zemindar dies, his children will obtain portions of the estate, and thus the power of the great Rajahs, who resemble feudal chiefs, will be gradually frittered away by justice, and all the children will enjoy separate estates, which may, by improvement, yield perhaps nearly as much net income as their father received, in distracted times, from the whole Zemindarry.

Were the Company now to attempt a Ryotwarree system in the territory of a powerful hill chief, he would immediately rebel; but upon his decease, his heirs will naturally apply for a division into separate Mocurrery for each. This is a consideration which ought to have great weight when applied to our frontier conquered territories. In pages 810 to 837 there are complete satisfactory replies to seventeen questions respecting hereditary proprietary rights, which ought to remove all doubts.

On the preferability of a Mocurrery to a Ryotwarree settlement, I will now subjoin extracts from a most valuable letter from the Revenue Board of Fort St. George, which ought also, in my opinion, to set that question at rest; see page 65.

5. "Your honourable court have been pleased to signify to us your directions, that in all the provinces that might be unsettled, the principle of the Ryotwarree system should be acted upon, &c. Deeming it,

to demand what he pleased, are of course compelled to call the Zemindars officers, but surely he is a droll officer who often engages to pay revenue on his own Zemindary; and when not engaged with, receives a share of the income from the land. In a semi-barbarous state before manufactures and commerce are introduced, chieftains of course paid their officers, soldiers, and servants from the land. This could be the only revenue, as a people grow rich, or in other words, when a plenty of money is in circulation, other sources of revenue are introduced. The Rajahs formerly were almost always waging war with one another, and their Ryots were at once cultivators and soldiers. A view of India with its numerous forts shews this state of society; the Ryots had only huts, and during wars always fled for protection to the Zemindars' forts. The Company's records are full of the rebellions of Zemindars, driven thereto by exactions, and of the attachment (I might say devotion) of the Ryots to their old hereditary proprietors. Gratitude to them, is the great virtue of a Ryot, and the word for ingratitude is "*nimmuck heraum*"—false to those whose salt any one has eat. Patriotism was unknown, and there is no word in the Asiatic language synonymous with it. It received its birth under republican governments, and has been properly preserved under limited monarchies.

With a desire to be explicit, I fear that tediousness may be imputed to me, but as it is all important to decide for ever the question whether there are Zemindars or landlords in India, I felt it incumbent upon me to touch upon a subject which heretofore claimed so much



as we do, to be indispensably necessary that a *permanent settlement* of the land revenue should take place, we are led by your Honourable Court's despatch to consider, &c.

6. " Every writing of Colonel Mouro's is entitled to attention. His vigorous and comprehensive understanding; the range which his mind takes through the whole science of political economy; the simplicity and clearness with which all his ideas are unfolded; his long and extensive experience, and his uniform success, rank him high as an authority in all matters relating to the revenues of India. Independently of the general interest excited by the character of its author, his paper dated the 15th August, 1807, claims notice, as containing the only project of a Ryotwarree permanent settlement. To that paper your Honourable Court's despatch makes a marked reference, and we accordingly feel ourselves at liberty to regard the project which it contains as the permanent settlement which your Honourable Court would wish to introduce. In speaking of the Ryotwarree System, we therefore beg, for the sake of accuracy, to be understood to mean the system recommended in Colonel Monro's letter of the 15th August, 1807.

7. " The first objection to such a system is its *impracticability*. Colonel Monro does indeed propose to grant a remission generally of 25, and in particular cases, of 33 per cent. on the survey assessment; but the exigencies of the government put such a remission entirely out of the question. The success of that or of any other system, would no doubt be materially pro-

of attention. It is said of King James, that on beholding a fine estate, he exclaimed “ what a braw rebel the owner would make ;”—a similar disposition actuated potentates in Asia ;—now let me ask were the Scottish chiefs landlords, or officers of the government? because compelled to pay tributes, and because sometimes deprived of their authority and possessions by one more powerful, had they therefore no rights?

✓ The East India Company have acknowledged Zemindary rights ever since their acquisition of the Dewannee, and as it is too late now to annihilate them, I will without further preface, take notice of Mr. Mill’s argument for preferring the Ryotwarree System :—candour makes me ✓ transcribe his description of a Zemindar.

“ The Zemindar had some of the attributes of a land-holder, he collected the rents of a particular district, he governed the cultivators of a district, lived in comparative splendor, and his son succeeded him when he died. The Zemindars therefore, it was inferred, were the proprietors of the soil, the landed nobility and gentry of India. *It was not considered* that the Zemindars, though they collected the rents, did not keep them, but paid them all away with a small deduction to the Government.”

^ He proceeds to say, “ The English were actuated not only by an enlightened, but by a very generous policy, when they resolved to create in favor of individuals a permanent prosperity in the soil, as conducive at once to the increase of its produce and the happiness of the people. They were under the influence of prejudices in the mode of carrying their design into

moted by a remission ; for it is in vain to disguise the truth, that the prosperity of the country is seriously depressed by the public burthens. The assessment is heavier than the country can bear without injury. It has hitherto been exacted by resorting to all the expedients within the reach of the revenue officers ; it cannot be permanently secured, unless the proportion which it bears to the produce of the country be diminished ; and this is the grand effect, which it is hoped a permanent settlement may be so contrived as to produce, without any large remission of the amount of revenue at present collected, &c. Colonel Monro, in his report of the 25th August, 1805, states, that if the Ryots were freed from every species of restraint, they would probably throw up one fourth part of the land under cultivation, from inability to cultivate their property. Since the date of that report, the Ryots have been freed from every species of restraint : so that under a Ryotwarree System, whether annual or permanent, there would, according to the judgment formed by Colonel Monro, be a reduction of one fourth part of the revenue. 7

8. “ If that system must be restored, the alternative will be between an immediate, though not a permanent, reduction of revenue, and the use of compulsory means to collect the present revenue without reduction.

9. “ It was to avoid the necessity of either of these means, that the government judged it indispensable to abandon the Ryotwarree System ; and it was believed, that the Village System, which was substituted for it, independently of its other advantages, had this in its

execution. Full of the *aristocratical ideas* of modern Europe, the *aristocratical* person now at the head of the Government, avowed his intention of establishing an *aristocracy* on the European model; and he was well aware that the union at home of statesmen and directors, whom he obeyed, was under the influence of similar propensities." Again, in another paragraph, Mr. Mill says, " If the *aristocracy* was provided for, it appears to have been thought that every thing else would provide for itself."

I cannot conceive how an aristocracy can be created, without giving away titles, and by taking away from Zemindars the power originally exercised of collecting transit duties, and all kinds of impositions, and of deciding in civil cases. It was a resumption of power by the Sovereign, and only a limitation of demand from the Zemindar for the support of the Government. When to *take away* shall become synonymous with the word *give*, then will the permanent settlement be an aristocratical measure. Mr. Mill seems to have imbibed a very unfavorable opinion of our British landlords; he says, " If the gentlemen of England will sacrifice improvement to the petty portion of arbitrary power which the laws of England allow them to exercise over tenants at will, what must we not expect from the Zemindars of Hindostan, with minds nurtured to habits of oppression? It is not because in England we have a landed aristocracy, that our agriculture has improved, but because the laws of England afford to the cultivator protection against his lord. It is the immediate cultivators who have increased so wonderfully the produce of the land

favour, that it might, without any considerable abatement of revenue, be introduced and acted upon with the free and cordial consent of the people, &c.

10. “ But even if a Ryotwarree settlement had been practicable without a reduction of revenue ill suited to the exigencies of the government, and without the former system of complete constraint upon the labour and locality of the Ryots, still the inquisitorial interference which it requires the revenue officers to exercise over the property of the Ryots in the soil, and every thing relating to the management of the property, must have rendered it a perpetual engine of fraud and oppression.”

Here the Board particularize their objections, and then come to the following conclusions :

24. “ But after all, we attach much less importance to the point than your Honorable Court has done. The grand difference between the view at present taken in England regarding Indian land revenue, and that taken here, seems to be that in England the fear is that the public demands upon the resources of India may not keep pace with its prosperity ; whilst here the universal sentiment, we believe, without any exception whatever, is, that the prosperity of the country is so much depressed by the public demands, that without the most liberal and judicious management, there is more danger of its resources declining, than room to hope for their speedy increase. This is a sentiment which we cannot too strongly convey to your Honorable Court.—It is addressed to your wisdom, to your sense of justice, to your humanity : it concerns the successful adminis-

in England, not only without assistance from the proprietors, but often in spite of them."

I know not what the Cooks, the Curwens, and other great agriculturists will think of this anathema. Mr. Mill afterwards declaims against *ignorance*, and large *possessions*. To the presidents and members of agricultural societies, and to experience, I appeal for a refutation of this reasoning.

If capitals be required to give efficacy to the natural stimulus of self-interest, which the Father of all has implanted in the human breast; if a good education be the means to obtain knowledge applicable to the soil, surely independance and fortune are requisite to make improvements. Arthur Young attributes the superior production of English estates over those of France and other countries, to the greater capital employed in husbandry. Wherever land-holders do not improve their estates, there will be found some counteracting despotism, some withering oppressive powers and privileges. In the United States public land is sold, that proprietors may be created; but the advocates for a Ryotwarree System are for purchasing Zemindary rights, that the mere Ryot may be depended upon, and that there may be only European collectors, native Tehsildars, and other agents, constantly teasing the cultivators, and levying from those Ryots who improve their lands, the deficiencies of those who neglect them.

I must refer to the 5th vol. title " Lord Cornwallis' Revenue Reform," for a full perusal of Mr. Mill's observations. I should be sorry to misrepresent them.

I little expected when I was zealously putting in practice my Mocurrery System, that an aristocratical



tration of your Government, no less than the welfare and happiness of a numerous population, and the prosperity of an extensive country, favored by nature, protected from internal commotion and foreign assault, and requiring only moderation in the demands of Government upon its resources, to render it rich and flourishing. Compared with the attainment of these great ends, of how little value appears every sacrifice which can be made for them? But when it is considered that it may be found the best means of rendering the waste lands productive to include them in a permanent settlement, that perhaps no other means might be extensively effectual, and that if these means succeed, the Government will easily devise methods for participating in their produce, the supposed sacrifice dwindles into nothing, or rather the great ends in view are to be promoted, not only without loss to Government, but by a politic measure which may ultimately create new resources, out of which its wants may be supplied, as well as increase those on which it now relies."

In my Letters and in my replies to Sir John Shore, and the Revenue Board, in 1789, I convey the same sentiments: in one place is the following passage:—  
" If for a moment it be admitted that under a wretched Mogul government there existed no rights, it must be asked should the English not give some? if few, whether we cannot extend them? The great object at home and in Bengal, is to govern for the best; *when the people are rich, Government must be so; it need not be apprehended that means will not be found to avail themselves of subjects' wealth.*

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disposition would be attributed to its author; nor could I have foreseen that on my return from America, I should find the extension of the permanent System so long impeded by controversy, and that I should feel myself in duty bound to defend it.

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Happily for Great Britain the land tax is light and fixed. Imagine the ruling power to be a despot at a distance, and that he determined to oust all the landholders on the little island, having an army to prevent insurrection, and that when they complained, he should only reply "*sic volo sic jubeo stat pro ratione voluntas*"—you become rich by the labour of farmers, and deprive me of my divine rights as Sovereign.

Ackbar's minister, Tovranmull, prevailed upon his master to introduce this System; his details may be seen in Mr. Gladwin's Akbarnamēh, they were found impracticable and the System was relinquished. If the great Mogul could not succeed, what must the Company of Merchants trading to the East Indies expect?

I had taken extracts from the Revenue Letter of Fort St. George, from pages 883 to 951 of the selection of papers before alluded to; but to avoid being tedious, have rejected them. Let those who are advocates for collecting from every Bega, calculate the ~~thousands of~~ millions of acres in the Company's territories, and then estimate the probability of every collector being endowed with judgment, activity, and integrity; lastly, the directors devise a plan to prevent malversation in these detailed collections. Were power never to be abused, and could Arcadian felicity be realized, I would plead for a Ryotwarree System.

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Here I finish the contrast.

Fearful of being prolix, I must tear sheets of extracts, and refer to the 5th report of a committee of the House of Commons, and to the Selection of Papers, and other printed documents, containing all necessary information.

I have avoided shewing how agents may extort money by monopolies of sandal wood, tobacco, cotton, &c. and how they may embezzle advances, &c. I wish not from one or two examples, to aggravate objections to the Ryotwarree System; my objection is to the principle, which must destroy all intermediate classes which benefit the cultivator by consuming his productions, exchanged for comforts he requires. If we examine the statistics of Great Britain, we shall find that the agriculturists do not amount to a third of the population.

Let the Company look to the article of Opium, which in 1790, amounted to a trifling sum, and in 1821-2, yielded

Gross Sales .....	1,1257,275
Deduct Cost and Charges.....	986,727

Net Revenue in current Rupees.. 1,0270,548

I think that I do not hazard an exaggerated conjecture when I estimate the increase of Opium in my district since 1785, at quadruple its former produce. A reference may be made to the proceedings sent home then, and at the present period.

Let us compare the revenue of Great Britain from other sources of taxation, with the trifling land tax, and then let us consider whether if we were to adopt the old system of the French economists, we should augment our resources by putting every imposition upon the land, and by abolishing all proprietary rights. A celebrated agriculturist has said, "*Give a man secure possession of a black rock, and he will convert it into a garden; give him a few years' lease of a garden, and he will turn it into a desert.*"

## JUDICIARY.

THOUGH it be admitted that it is incumbent upon me to defend the Mocurrery System, yet it may be deemed an act of supererogation in me to advert to the judicial system in India ; yet, when it shall be considered, that my object in recommending the permanent settlement was expressly that an independent judicial system might be established to render justice between Collector and Zemindar, the Zemindar and Ryot, I trust that I shall be exempted from this imputation.

I have now the second volume of Selection of Papers, containing 769 folio pages, which display embarrassments and fluctuations in the mode of administering equity ; I have also Mr. Mill's severe animadversions on the Company's Courts of Adawlut, for which I fear there is too much foundation. The multiplicity of causes remaining always unsettled is the great complaint ; and the above mentioned gentleman justly observes, " that the tedious forms through which the judges had to travel permitted them to decide so small a number of causes, in a given portion of time, and the delay and uncertainty which attended a technical and intricate mode of procedure afforded so much encouragement to dishonest litigation, that the pace of decision fell prodigiously behind that of the multiplication of suits, and the path of justice might in some places be regarded as completely blocked up."

The great desiderata are,

1st. That justice may be at hand.

2nd. That there may be despatch.

3rd. That investigation may not be involved in technical subtleties and tedious forms.

4th. That litigation may be discouraged.

For the attainment of the first object, the universal practice of India Panchayet ought to be re-adverted to.

I have thought much on this subject; and as the result of mature deliberation, recommend that three Munsiffs should be elected by the people, one from each of three adjoining villages, to form an Arbitration Court: the majority of votes in each village will determine the choice. These are called *Munsiffs*. These Munsiffs to receive all complaints in the first instance. I have been induced to recommend the election of these Munsiffs, or whatever they may be denominated, by the villagers of each village, from the good effects experienced by frequent elections in the United States: a desire to gain the favourable estimation of our own countrymen is an excellent incentive to good moral conduct. A native Magistrate appointed by Europeans looks only to the persons who promoted him, and is too apt to abuse his trust; relying upon power for support: the records of the Company are so full of instances of this kind, that it seems superfluous to expatiate upon the preference due to election by natives. When a native must look to the favourable opinion of his fellow villagers and townsmen, amongst whom he lives, the hope of approbation and the fear of censure must influence his conduct; when also the *trio* are conscious that their decision may be appealed from to a superior court, where they have no patrons to uphold

them, they will of course be cautious in their proceedings. The election of Munsiffs by the villagers will create a rivalry, and, by degrees, persons of the first abilities and probity will be competitors for the honourable office of Munsiff, or will be urged to act. I recommend that Brahmins should be prohibited from serving as Munsiffs: Brahmins have too much power over weak minds already;\* and as they sometimes lend money at high interest, and practise *Dherna* to intimidate their debtors to extort money, and also benefit themselves by working upon religious prejudices: they of course being interested by their profession, would decide in their own favor. That the reasons which prompt me to this objection to the admission of Brahmins (priests) into the Munsiffy may be understood, I will now give two cases, from amongst many, which came before me as Judge at Gya:—

A debtor to a Brahmin complained that contrary to the regulations, the Brahmin demanded more than legal interest of twelve per cent., and had threatened to destroy himself if not paid. To cause the death of a Brahmin, being in the eyes of the natives the highest of all crimes, the plaintiff (the debtor) had made every

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\* I have been induced by the advice of a friend in whose judgment I much confide, to reconsider the proposed exclusion of Brahmins. They are very numerous, and have much influence: that this exclusion would be very obnoxious to them, I must allow; yet on the other hand, it ought to be considered, that the influence they possess, might give too much power to the priesthood, who would in general have a preference in elections. In England, clergymen are excluded from the House of Commons, To abler men I leave decision on this point.



sacrifice to comply with the defendant's (Brahmin's) demand, but was totally unable to realize the full amount. That the Brahmin had actually wounded himself, and that the plaintiff begged the court would interfere, to relieve him from the anxiety and apprehensions which tortured his mind. The defendant (Brahmin) being in attendance, and acknowledging all the facts, I severely reprimanded him before a very crowded court, for thus availing himself of religious prejudices, to violate the laws against usury; that he as a priest ought not to be a worldly man, and to use his Brahminical character as a cloak for imposition; that the court could make no distinctions; that he should be confined till he signed a Mochulka, (an engagement) under a heavy penalty that he would not practice Dherna; that if in a rage he should rashly complete the act of suicide, that the court would be responsible, and not the plaintiff, who had properly applied to the court to rescue him from the horrors threatened by the defendant. This decision pleased all the people, and prevented a repetition of Dherna.

The second case was as follows:—A respectable cultivator stated, that he had gone with the son of his neighbour, an old friend, to Calcutta; that on their return, the son was taken ill and died; that he consoled his friend, the father, and received his thanks for the unavailing exertions he had made to preserve his son's life; that shortly after this, his neighbour lost several cattle by a distemper, and then accused the plaintiff of sorcery, and persuaded all the villagers to shun his society, as he dealt with evil spirits. The

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defendant acknowledged all the facts, and said that he had always entertained a friendship for the plaintiff, until his Brahmin informed him of his sorcery, so injurious and ungrateful to him. The Brahmin was summoned, the court was crowded, and great curiosity was evinced in the countenances of all. The following questions and replies ensued.

**Q.** You are produced by the defendant to prove that the plaintiff caused the death of defendant's son, and the mortality in his cattle. What have you to say? Did you so inform him?

**A.** Yes, I did,—I know it.

**Q.** How do you know it?

**A.** I know it by my knowledge.

**Q.** How have you obtained this knowledge? Did you see the plaintiff use poison, or any destructive means?

**A.** No. My internal monitor informed me.

**Q.** How could you listen to such a monitor? To my mind, you had a mere suspicion, which ought not to be imparted without some facts to ground suspicion upon. Did any enmity exist between the parties? Is the plaintiff of a malevolent disposition?

**A.** I never heard of any enmity or malevolence, but when applied to by the defendant, I consulted my internal monitor, and gave him (the defendant) my information, or rather judgment.

**Q.** Do you receive any compensation for these judgments?

**A.** Yes. I always receive from two to five rupees. I received five rupees from the defendant.

**Q.** So then for these five rupees received by you, you attribute a heinous crime to the plaintiff, and render him the most wretched of beings, by having him calumniated and

expelled from the society of his villagers. Is this a humane or a pious act, thus to occasion discord and unhappiness? Confiding in your assumed sanctity, the innocent and ignorant are taught to believe in supernatural agencies, and to be terrified by vague alarms and superstitious prejudices. The decree of the court is, that you enter into an engagement under a penalty of 100 rupees, never to disclose the whispers or intimations of your internal monitor, and that you repay the 5 rupees, and also the expence of the plaintiff's and defendant's journey, 5 rupees each; and that after you have signed the engagement, you accompany an officer of the court, and pay 10 rupees, the expence of a meeting, and a rice entertainment, that the plaintiff and defendant may be reconciled in the presence of all them, the parties having expressed their willingness to be friends as heretofore.

The Brahmin entered the court with confidence, but as the audience laughed at the *internal monitor*, which was well ridiculed and condemned, he with much reluctance signed the engagement, and complied with the court's decision. An account of this trial spread everywhere, and the Brahmins refrained from imputations of witchcraft, sorcery, &c.

I will now put down questions which occur to me, with answers thereto.

**Q.** Will not a Munsiff court, in every three villages, make courts too numerous?

**A.** If it be judged so, there may be a court of three Munsiffs for six villages; but in my opinion the three villages should be preferred, as the system will approach nearer to the Panchayet mode of the natives. No expence will be saved, and many inconveniences present themselves.

*Q.* How would you apply this system to a populous city?

*A.* I would divide it into convenient wards or divisions.

*Q.* How would you regulate the elections?

*A.* A superior court should appoint a native judge of election for the day, he may be a resident of the village; and he, after receiving the tickets, should make out an account of the number of votes, and put seals upon a paper containing the original tickets to be referred to, in case of dispute.

*Q.* What person ought to be entitled to vote?

*A.* Every man above twenty years of age.

*Q.* Suppose two persons to have equal votes?

*A.* In that case let the eldest man be preferred.

*Q.* Suppose no election be made in a village?

*A.* Then let the superior court appoint a Munsiff for the year.

*Q.* Will not annual elections be too frequent?

*A.* If it should be deemed so, they may be biennial or triennial.

*Q.* Would you recommend that the Munsiffs should be re-eligible?

*A.* Certainly;—because the re-election will be a proof of general approbation, and the Munsiff will become more experienced in judicial business, and better acquainted with the characters of the villagers. The power of exclusion being vested with the villagers, will be the great incentive to uprightness, and deterrer of misconduct.

The imitation of our English courts has failed; the Goyendas or Espionage plan has also failed, and the tax

on the commencement of a suit, has been properly reprobated. The attempts in every case were well intended but ill advised.

The following from Mr. H. Strachey, the Judge and Magistrate of Midnapore, in reply to interrogatories, is a very valuable document. He objects to the fees and stamp duties which were introduced to check litigation, and very justly observes, that "when a poor man has been oppressed, he should be freed from trouble and expense. He is not, in such a situation, a fair object for taxation. It does not become the ruling power to add to his misfortune, by levying impositions upon him. It must, I am sure, constantly happen, that a Ryot gives up his prosecution in despair on finding the expense of continuing it beyond his power to sustain." After lamenting the chicanery which the forms in our Courts produce, Mr. Strachey says (Sect. 13), "When a suit is filed in a Munsiff's Sheristah, it is taken up immediately; there is no time or opportunity for the fabrication of a defence, and they cannot easily deceive him. But that if a suit comes before a Zillah Judge, besides the inevitable delay and expense at the outset, the case is entirely changed; intrigue and counter complaints occur; the most imprudent falsehoods are advanced with impunity, and in the end, perhaps, an erroneous decision is passed."

"Should it here occur, that very few if any natives are qualified, from habit and education, to pronounce a decision, or to comprehend a complicated judicial case; that the range of their ideas is too narrow; that their minds are cramped, and that they possess not that

vigor and perseverance, and enlarged views which would enable them to perform the duty of judges. If there be any one of this opinion, I would take the liberty to ask, how it is possible the natives in general should, in the miserable subordinate and servile employments to which they are confined have qualified themselves better? I would observe, how very easily they all acquire the requisite qualifications for the duties which we are pleased to entrust to them. I would ask, who can doubt that they would very shortly, if not depressed and dispirited, become at least equal to the functions they performed before we came among them."

"17. I confess it is my wish, though possibly I may be blamed for expressing it, not only to have the authority of the natives as judges extended, but to see them, if possible, enjoy important and confidential situations in other departments of the state."

The Munsiffs may have a rupee or two paid on each suit, or a per diem, whilst they serve, and trifling fees may be fixed on the plaint, answer, and rejoinder. Witnesses will be of course at hand, and thus vast expense and loss of time will be saved. I cannot devise a better plan to obtain simplicity, cheapness and impartiality. The Quakers avoid litigation by references to arbiters, and unanimous approbation is given to their adjustments.

To obtain the 2nd and 3rd objects, viz. dispatch and an avoidance of long pleadings,—

I recommend that the simplest forms of proceeding should be prescribed, and that reference to precedents



should be prohibited ; thus errors cannot be perpetuated or occasioned by imaginary coincidences, and thus astuteness cannot puzzle or mislead common sense. When I enter a lawyer's library and see his shelves loaded with reports which are annually increasing, it is evident that laws are made a mystery. When I find men relying more upon the abilities of their lawyer than the justice of their cause, I lament the situation of the people. When I hear of the sums paid and of the law's delay, I wonder not that Hamlet should have reckoned the law as one of the evils which would justify recourse to the quietus of a bodkin, " for that undiscovered country from whose bourne no traveller returns."

The expences of European Courts almost exceed belief : but few men have ever calculated the costs of processes, of witnesses, of jurymen, &c. and, added thereto, the value of time lost to persons in attendance. I once amused myself by forming an estimate of these expenses and of the fortunes of the lawyers, and was surprised at the amount. In the country towns of the United States the best houses are in general found to belong to gentlemen of the bar. The train of ideas which this subject produced caused me unfeigned uneasiness, and my mind came to the conclusion, that the lawyers and the forms of Court, such as assumpsit, trover, &c. trespass on the case, and the contradictory precedents cited by them, caused about three-fourths of the suits, which impoverished their clients, corrupted the morals of the community, and disseminated animosities amongst neighbours. In India, very for-

tunately, there is no established body of lawyers, who can have influence to prevent any amelioration of the jurisprudence. The Company, therefore, may set an example to the world, and give justice to millions of native subjects. That fallible men like Mansiffs may sometimes err in their judgments must be admitted, and so may a jury; but I once heard a most eminent jurisconsult say, that whenever he doubted the correctness of a jury's decision, he in general found on re-consideration their judgment right. Happy will be the natives of India if John Doe and Richard Roe are not made denizens, and if they remain in perpetual ignorance of the forms of instituting suits, in assumpsit, in trespass on the case, &c. &c.

The publications of precedents, and the decisions of Judges cause a great augmentation of lawsuits; contradictory precedents are often cited, and lawyers are too frequently misled by them; nay, even the Bench is sometimes puzzled how to determine, such nice distinctions do the bounds divide between two cases to an unlettered or unlegalised man, apparently analogous, and yet with contrary decisions; hence has arisen the common observation of "the glorious uncertainty of the law."

I now come to the fourth great desideratum, the diminution of litigation, a consummation devoutly to be wished.

If suits multiply so much that a court cannot clear the docket, or in other words give decisions on all cases ready for trial, such court is a mockery, nay, a curse. I came to a court where hundreds, nay, thou-

sands of causes were to be tried ; my reason told me that I could not fulfil the object of my appointment as Judge if I pursued the usual method. I deliberated long, and then came to a determination that I would annex damages to judgments, that litigation might be discouraged. If a plaintiff made out a plain case, and the defendant evinced evasions and subterfuges, I gave a decision to the following effect. The plaintiff has been caused much expence, trouble, apprehension, and loss of time, and much artifice has been used to defeat his claim ; I therefore award to him principal, interest, and damages on his claim, that debtors may see that honesty is the best policy, and that they ought to do every thing to satisfy their creditors.

After a decision of this kind, the defendants sought out their creditors and settled with them, and every day much time was taken up in writing suits *compromised*, in other words, the plaintiffs were satisfied.

On the other hand, when the plaintiff had attempted to use the court as an instrument of oppression, by introducing groundless or frivolous claims, which he tried to substantiate by false witnesses, I not only nonsuited him, but decreed damages to the defendant, to compensate him for anxiety, risque, and loss of time. After this, the time of the court was much occupied in recording suits *withdrawn, withdrawn*.

It has been sagaciously observed by a judge, that litigious and fraudulent debtors are numerous, but that obdurate creditors are rare.

The consequences of this mode of proceeding proved highly satisfactory ; defendants who could not pay, ho-

nestly acknowledged their debts, and those cases only were disputed, where right on each side was involved in difficulties, such as inheritances, boundaries, intricate partnership accounts, &c. My court no longer afforded an arena on which cunning, subtlety, and knavery, could combat with success; honesty became the best policy. Unless damages are given, a debtor owing 10,000 rupees, if he can keep off a claim by quirks and manœuvres, even when judgment is obtained against him, has only to pay the principal and simple interest, which at 6 per cent. amounts in five years to 3000 rupees, and a trifle for costs; whilst he may by making 10 per cent. and by compound interest, amass above 6000. Is not this a bonus for withholding payment? Ought not an unjust prosecutor to be punished? Should not the defendant obtain retribution for his risque and vexations, and sufferings in purse, body, and mind? Ought not also a fraudulent debtor to be compelled on the other hand, not only to pay his full debt, but to compensate his creditor for his expences, uneasiness, and losses? I have often thought, after my experience, that a jury with this power would diminish law-suits at least one half.

The power to give damages, is in my opinion, a most desirable one to introduce into civil cases; it proved in practice the greatest preventive to litigation. In my humble opinion it is a *sine qua non* to produce justice. In most cases, a mere decision with simple costs, does not give justice. A plaintiff after causing much trouble, anxiety, and expence, if merely non-suited with trifling costs, has had the chance of obtaining an unjust claim, and has had the gratification of malignity; but if he be

nonsuited with damages, the poisoned chalice is returned to his own lips, and others are deterred from instituting false claims. The defendant, by the same fear of damages, will not attempt to defraud his creditor by denial, false witnesses, &c. The dishonest ought to be afraid of a court, but by the multitude of causes in Asiatic courts; it is evident that the law seems to be a gaining game, whereby unjust plaintiffs and fraudulent debtors rely upon cunning and various devices to deceive the court, without danger of retaliation by a decision.

When a party appeals from the Munsiffs, the appellant if he fails, ought to be compelled to pay 10 per cent. in addition to the original judgment, to deter from litigious appeals. A law of this description has an excellent effect in Virginia, one of the United States. Mr. Tucker, who long served in the Judiciary department, and who has established a character for integrity, assiduity and judgment, says :

“ The multiplication of appeals is in my opinion a serious evil. We are never certain that the last decision will be more correct than the first ; but we are quite certain that a suit cannot be passed through the ordeal of a court of justice without much inconvenience. The parties are subjected to a heavy expence in every stage of the proceedings ; they lose what ought to be of value, time,—and their attention is diverted from useful occupations. The time of the public functionaries, which is the property of the community at large, and which ought to be a valuable property, is often wasted unprofitably, and the accumulation of business becomes so formidable, that the Judge, industrious as he may be,

seeing no prospect of melting down the mass, is discouraged altogether from the attempt. We never work with cheerfulness and spirit when we see no end to the labour."

"In a large proportion of the causes which come before our courts, the appeal is prosecuted, not for the purpose of obtaining the correction of some notable blunder, but for the purpose of obtaining time, of evading the immediate payment of just demands, or of embarrassing and distressing some personal adversary. The natives of these provinces, to whom the duel is little known, repair to our courts as to the listed field, where they may give vent to all the malignant passions; but should we encourage them in this perverted use of the Forum? In my opinion the combat should not be allowed repeatedly, at all events; one appeal is surely sufficient in every case, and when we have obtained the solemn judgment of two disinterested men, we ought to be satisfied. Errors will still be committed, I admit, as long as human wisdom is confined within narrow bounds, and as long as human passions have sway; but it is better that a few individuals should suffer injury from the mistakes of a judge, than that a whole community should be harrassed, and all the ends of justice be defeated."

Having feelings of aversion to litigiousness in unison with Mr. Tucker's, I reasoned thus: "when a boy complains to his mother, or schoolmaster, of another boy's withholding his play-thing, or book, if the other denies it and prevaricates, is the mother or master content with restoring the thing withheld, does she or he, not



punish him for the act and the prevarication?" Thus if a defendant withholds the plaintiff's money and denies the debt, and tries by quirks to evade it, ought not Munsiffs or Judges, whoever try the cause, to have power to give principal, interest, and also damages? These damages operate as a retribution to the plaintiff, and as a punishment to the defendant, and they have by example an excellent effect, for debtors will compromise with their creditors, and not set them at defiance. I found this annexing of damages, when chicanery and evasion were used, put a stop to the practice, and the court, though its doors were opened without impediments, became a terror to the unjust.

When lenity withholds the exercise of power, lest it should be abused, vice will triumph. When A prosecutes B for a thousand rupees, and brings accounts against him to that amount, and should B prove by receipts and witnesses, that 950 have been paid, is it equitable to give a judgment for 50, and throw all the costs on the defendant, which must be very heavy? Ought not the court to throw all the costs on the plaintiff A, and damages also; for the defendant B would have paid a just demand of 50; at any rate A. was culpable by an exaggerated claim, which put B to the trouble of proving payments, and to the risk of losing a large sum.

Power should never permit lenity to degenerate to weakness.—It is always applied to for redress of grievances, or for punishment of wrongs. In disputes about boundaries and inheritances, there may be fair causes for controversy, and in these cases-damages will

not be given. Were an experiment made of what I propose, there would be an opportunity afforded for real justice, and the court would not be used as a medium to gratify revenge, or to commit an injury.

All the replies of collectors and judges to questions, are in favor of Panchayet: (*five* assembled, to whom a cause is referred for arbitration or decision. See Glossary) my proposition is for three from different villages; if a court of five is preferred, be it so. This should be the first court, and suspicion ought not to be scrupulous about delegating power to make it effectual.

The Lakherage lands are estimated by Mr. Tucker to amount to a sixth of the lands paying tax, and stated to yield 10,000,000 *sa. rs.*; whilst the Zemindary taxed lands yield 50,000,000. Sir John Shore in his able minute on the Revenues, published in the 5th report of a committee of the House of Commons, page 181, estimates the produce of the lands exempted from revenue, at 1,25,63,913 rupees per annum.

These grants were contrary to the equitable principle revealed by moral feelings, that every man should contribute to the defence of his property from external foes, and internal violations, according to the value he derives from that property; they were also unjust, for the amount exempted must have fallen upon those who pay for the security of their own property; as it is always supposed that the government only requires what is absolutely necessary for troops, officers of justice, (civil as well as criminal) and other establishments for collecting the revenue, &c.

I think that the Lakherage or untaxed lands, should

be called upon to pay a considerable portion of judiciary and police expences. The possessors of them, grateful to the Company for being so long overlooked, and partially exempted while others were too much burthened, would acknowledge the justice of their being called upon for a very moderate share of their incomes, to support civil and criminal courts, upon a solemn promise that the amount should be permanent, and never exceeded. The faith which the government has observed for so many years to the Zemindars in the Mocurrery Settlement, will give the rent-free land holders confidence, and they might be called upon voluntarily to give in a statement upon honor, what they ought to pay. Suppose for instance, ten per cent. for the government's share of the Lakherage incomes, which the Sovereign, or Nabob, or Rajah, had improperly alienated, and which the Company out of false delicacy, has continued. An investigation into titles causes alarm, injures the Lakherage holders, and shakes confidence in their tenures; when a collector is convinced that land is held exempt from revenue without a valid title, let him prosecute in the name of the Company, but let not a commissioner be appointed to terrify them by authority to call upon them to produce their titles. They have already presented them to be recorded; and perhaps native officers may have extorted large sums from them.

If it be suspected that any one, required to give his statement of income or portion of Judiciary tax upon honor, is guilty of *great* concealment, let the reasons for the suspicion be assigned, and the Lakherage land-

holder compelled to answer ; and should his answer be unsatisfactory, let an investigation take place. I have mentioned ten or twenty per cent. : perhaps five per cent. would be sufficient. The Zemindars paying land tax will of course applaud this measure.

The confidence we have ensured by perseverance in the Mocurrery System is invaluable. The natives are impressed thereby with a conviction that we are solicitous for their welfare, and we may be assured that they will zealously co-operate in any judicial system for their benefit.

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## MISCELLANEA.

### *Custom Houses on the Ganges and other Rivers.*

These ought to be abolished : even the plea of necessity cannot be admitted ; for any other tax were preferable. The duty is 5 per cent., and when once paid, a rowannah or passport is granted to prevent a second demand. Even the first duty is very objectionable ; for the merchant can purchase five per cent. less of exportable articles, and must put interest and profit on the sum thus paid to indemnify himself. I objected to internal customs thirty years ago, and published in my “ *Rising Resources* ” the following extract from Blackstone : —

“ The earlier a tax is levied upon a commodity, the heavier it falls upon a consumer in the end ; for every trader through whose hands it passes must have a profit, not only upon the raw material and his own time and labor in preparing it, but also upon the very tax itself which he advances to the government, otherwise he loses the use and interest of the money which he so advances.

“ An excise duty is the most economical way of taxing the subject ; the charge of levying, collecting, and managing the excise duties being considerably less in proportion than in other branches of the revenue. It also renders the commodity cheaper to the consumer than charging it with customs to the same amount would do, for the same reason just now given, because in general paid in a much later stage of it.”

BLACKSTONE.

As the native merchants are not now very rich, I will suppose the price of a cargo to be 1,000 rupees. If he pays his duty first at Mirzapore he will have to stop to be examined at five custom houses afterwards. It ought not to be expected that every one of these will not be guilty of vexations and of causing delays : that goods should be passed without the exaction of some fee or *douceur* were an expectation which would betray an ignorance of practices in all countries. The custom-house officers can always find pretences for detention, and may expose goods to damage by rain (as they in general are sent down in the rainy season); in short, they can always make it the merchant's interest to promote dispatch. It is not easy to estimate the merchant's loss by even the requisite stoppage of an officer strictly performing his duty. Should the expense amount to ten rupees at each station, here will be an additional imposition of fifty rupees, or five per cent. more, exclusive of loss of time, wages, &c. If the merchant adds twenty per cent. only to the 100 paid, he must put this sum on the original cost of 1,000, and if he be detained only two days at each station, he and all his hands will have lost ten days' time. Let a government estimate these losses upon *all the boats* trading up and down the Jumna, Ganges, &c. and it will be startled at the great injury done to commerce.

Now let us consider how all important it is for a foreign conqueror, drawing tribute from an extensive empire to encourage exportation. The Company has been long complaining of the extra duty levied upon India sugars ; it has been stated, that this partial extra



tax upon India sugars operates upon the British people by the difference of cost to the amount of 1,872,481 pounds sterling.

There is a drawback, I believe, on exportation from Calcutta, of two and a half per cent. Now suppose the Company had no internal customs or duties, and levied only a tax on exportation of cotton, sugar, silk, opium, &c. upon foreign vessels, the British might enjoy thereby a preference of all this valuable trade.

1st. The Company ought to consider, that muslins made by machinery are now exported from Great Britain to Bengal, to the destruction of Dacca manufacturers, and that this importation of British muslin must be paid for by productions of the Asiatic soil. 2ndly. They ought to consider also that more is now required from India, to pay for more woollen goods to clothe the army, &c. the whole exports being estimated at 3,000,000*l.* sterling. 3rdly. They ought to consider that more is required from India to support home establishments and to pay the interest of debt, and the dividends of stockholders, and the pay of pensions and of fortunes of individuals annually returning; in short, it ought to be the Company's study how to remove every impediment to the exports of raw materials and manufactures from their subjects in India, and to adopt, on the contrary, every means to encourage them. Should the specie be conveyed away, a scene of distress must ensue which it is painful to contemplate; and that specie is already scarce I am convinced from the price of labor, of food, and of interest up the country. The rate of interest in Calcutta is no criterion; for there all

*specie is scarce - fear  
 Mr John Shore, minister*

the specie is accumulated. This brings me to a subject which has claimed very little attention in India : I allude to the *circulating medium*. We have seemed to act as if we imagined there was an inexhaustible store of specie, always replenished, like the widow's cruise of oil.

When Great Britain has been in want of specie, the Bengal government has sometimes shipped off in a year 1,000,000 pounds sterling in coin. When the specie was thus sent away, sometimes no investment could be provided ; so the Company, instead of advancing money for goods, which money would go to the landholders through the manufacturers, caused this channel to be stopped, and prevented the agriculturists from paying their revenue, and rendered them liable to imprisonment and to the confiscation and sale of their property, occasioned by a measure beyond their control. The following is an extract from a letter written to the Directors by the Governor-General in Council :—" A great number of the Honourable Company's ships of the ensuing season will, we fear, be detained in India, at a very heavy expense : the manufacturers must suffer great hardships from the discontinuance of the demand for their labour ; the valuable fabrics, so long supported by a steady and well regulated commerce, may be debased in their quality, and perhaps in some instances lost to the country, while the suspension of the customary advances to the manufacturers, may have an unfavorable effect on the different branches of the public revenue. These consequences are earnestly to be deprecated."

Should the Company ever again find it their bounden

duty to send the specie away from their own subjects for the preservation of the British empire, the Governor-General in Council ought to be authorized to create substitutes for the metallic money, which substitutes should have real value, by being declared receivable in all payments to government, and convertible into four or five per cent. stock, at the will of the holder.

I remember reading about forty years ago, Neckar upon the resources of France, and the following observation from that able financier made a great impression. He remarked, that in England the money paid away by the exchequer, rapidly reverted to it, as the money never went to a great distance; but that in France money paid on the frontiers, very slowly returned to the Paris treasury. The same quantity of money therefore in England, would occasion more prosperity by rapid action and re-action, than in France. In all the writings of revenue officers, I perceive calculations which appear to them mathematically conclusive, viz: "Such a country at such a period, yielded so much revenue; it has been desolated by wars, but now under our protection, it will rapidly improve; and I have made engagements with the Zemindars and farmers, with an annual increase."

They do not consider that the then ruler of the country maintained an army, and disbursed all his revenue annually amongst his own people; but that the Company often draws a great portion of the revenue to Calcutta, and sometimes sends it abroad to Madras, China, &c.; even the allowances to the civil officers of a native ruler, are spent on the spot, but the Company's civil servants always send a portion home.

I am of opinion that the Company would experience much benefit by making a paper currency, to a limited amount. A board might be appointed to make this currency payable to the order of the Court of Directors, who may sell bills on this Board to foreigners, with which they may purchase the productions and manufactures of India. Would not the foreigners prefer these bills to carrying out specie?

1st. They would save insurance.

2d. If a ship were lost, the second set of bills would arrive, with which the foreigner's agent in India might purchase goods, and send them home; this would be a great object for a merchant.

A year or two's experience would enable the Company to judge of the policy of this measure. That it would be advantageous to the natives to have more money circulating among them, cannot be doubted; and that the Company would benefit as sovereigns, is undeniable. The capability of a government to make great collections, must depend upon the quantity of money in circulation. The government of Great Britain collects fifty-six millions sterling, from fourteen millions of people; whilst in India the Company with difficulty collects twenty-two millions sterling, from eighty or one hundred millions of subjects. If the number of productive labourers in Great Britain, were estimated, it would be found that their proportion is much less to that of consumers, than in India, where indeed there are comparatively very few *fruges consumere nati*. Is it not self-evident that a government's receipts can only be according to the quantity of the circulating medium in the country. A nation of agri-

culturists may be always poor, for its grain may not be exported. Money is an *effect* when it is imported for the productions of the soil, or for ores, or for manufactures; but it is a *cause* when created by a government. It is the receipt of money by the government, whether stamped on metal, or on paper, which gives a value to it. ✓

When almost all the specie had disappeared from Great Britain, the government, land-holders, merchants, &c. determined to take bank notes as a national paper currency; and thus like Archimedes, when he jumped from the bath and ran into the street, exclaiming *Eureka!* *Eureka!*—having discovered the hydrostatic balance, Mr. Pitt might also have proclaimed ‘*Eureka*’. With the increase of bank notes, the funds and all property rose; manufactures of every description multiplied. Houses sprung up everywhere, and the exports were soon doubled to cause a favorable balance of trade, (notwithstanding vast expenditures of armies and navies abroad) and thus to bring back specie. The benefits of this measure we still enjoy, from augmented machinery, and other improvements. ^

This circulating medium could not be issued to any considerable excess; for a Director of the Bank of England when asked upon the suspension of specie for payments, “where was the limit to their issues?” he replied, “*the demand*”—memorable words! which ought to be inscribed in letters of gold, on a column of marble, in the Bank. Borrowers from them at 5 per cent. would of course repay them, should their issues have reduced the value of paper money to  $4\frac{1}{2}$  or 4 per cent.;—here was the preventative to over-issues.

The natives of India, blessed with a benign climate,

require very little cloathing or fuel, and, by their religion, are prohibited from eating of meat; if they had a good government, with security by laws equitably administered, and a sufficiency of money to establish factories and machinery, and to pay workmen, they might undersell all the world. If 15,000,000 of persons can easily bear taxes amounting to fifty millions sterling, without any retardation, what might not one hundred millions of Asiatics bear? The price of labour might indeed rise from two pence to three pence per diem, and the price of grain might rise a little, to the advantage of landholders; but what a heart-cheering scene of prosperity would be presented, and what resources would be developed! At present, to use the words of the Roman orator, whilst only agriculture and specie are called upon, "*Cavendum est ne consumpto aerario repentinâ calamitate Respublica desererâtur.*"

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 The minimum price at which the United States sell their uncultivated lands used to be two dollars upon credit; but it is now reduced to one dollar and a half cash. The expense of clearing is at least ten dollars, and the whole United States contain 1,004,174 square miles, which, at 640 acres, make ~~612,560,000,000~~ acres, and the value of the cultivated land averages at least ten dollars per acre: I might say twenty. The  
 ✓ Company's territories are more extensive than those of the United States; yet, for round numbers, I will rate them only 1,000,000 of square miles, or 640,000,000 of acres, and I will estimate the value at only two rupees. Thus, by Mocurrery freeholds, the Company will obtain a security of 1,280,000,000 of rupees in land for their revenue, which they could not have were



they sovereigns of the soil, looking only to cultivators. The great security thus to be obtained for the revenue has not, perhaps, been considered: I trust it will have weight.

But to render these lands valuable, there ought to be a sufficiency of money: of which I am convinced there is a scarcity. A tolerably accurate opinion may be formed if an investigation be made of the coinage of rupees and pagodas annually in India, and of the quantity of Indian coins melted at the Mint here, to be converted into sovereigns and shillings.

The advantage of a paper money over specie in troublous times is, that the former will not be hoarded and secreted. A government also can always borrow on advantageous terms, when money is in abundance; such a currency, also, is always a bond of union.

Mr. Henry St. George Tucker, who has rendered essential services to the Company in their financial department, recommends selling of bills drawn upon India, and it affords me much satisfaction that he has anticipated my proposition. I was always against transferring debt from India to England. Were we to reverse the system, and to have stockholders in our towns throughout India to a limited amount,\* they would be all interested supporters of our government.

To the accompanying pamphlets, published in America, I request particular attention: they are the result

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\* To prevent too much money accumulating in the Treasury, it would be advisable to pay the interest of the debt in India quarterly instead of half-yearly; it would also be more convenient for the stockholders. Ricardo observes that the stocks, &c. always rise a little after the payment day.

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of much reading and writing, and may be of essential utility, by suggesting a mode, to prevent a want of money over the extensive territories now possessed by the Company and amongst so numerous a population. There ought, I think, to be a financial board in India, to attend to the income and expences, roads, canals, births, deaths, and all statistical accounts. A road causes a net gain to the sovereign of the time saved, and thus also, internal articles, such as grain, indigo, sugar, cotton, &c. are brought cheaper to a sea-port for exportation. The Congress of the United States is about to make a road from Washington to New Orleans, whereby a journey of 30 days will be shortened to ten. Thus the same number of men, of waggons, of horses, and of carriages can treble their business, and thus treble times that treble intercourse will be encouraged by the safety and expedition of travelling. In India also, every improvement will call forth feelings of gratitude, when the natives exclaim, “this is the work of the British.” Postage, also, may thus by degrees become an item of revenue : roads, as well as letters, “spread the soft intercourse from soul to soul,” and expedite troops, &c. A small sum, economically laid out, may preserve many noble buildings now falling into decay, from destruction, the sight of which now cause painful sensations in the natives’ breasts, and unfavourable sentiments towards their rulers. The Commissioners, Messrs. H. W. Cox and H. St. George Tucker, write from Agra, “It is impossible to visit this city without feelings of sensible regret at the neglected state of its greatest ornament—of a work which has

rendered it celebrated, not only in India, but throughout the countries of Europe. The beautiful mausoleum, erected by the Emperor Saw Jahan (the Taje, as it is called), long the pride and boast of India, and still a solitary monument of the splendour of its former rulers, is hastening to decay, and will soon become an object of reproach to the British government. This wonderful edifice, which commanded the respect of the hostile sects who, at different times, have had possession of Agra, is likely to mark in its fall the administration of a people who rank among the most civilized in the world. By the rapacious Jaats it was spared, and the predatory Mahrattas preserved it with the utmost care."

"A small revenue has been assigned as a fund, to defray the expences of keeping the building in repair; but we know not that any care is taken to direct its appropriation to its proper object."

This solemn pathetic appeal to the sensibility and pride of the Governor-General in Council, obtained an annual donation of a lac of rupees—but can he have leisure to attend to its application?

The mausoleum of Sheershaw in Jasseram, equally claims attention. In a picture now in the antechamber of the East India Company, this superb edifice rising from the midst of a lake and surrounded by tombs of princes on its banks, giving pre-eminence even in death to their monarch, is seen in a state of decay, and trees are exhibited disparting the massy stones. Forty years ago I recorded my melancholy; perhaps the dome, then obtruding into the sky, is now part of a vast heap above the water, shewing where this rival of St. Paul's once stood. Godwin, in recantation of his first

work on political justice, wherein the power of moral feelings was to be disregarded, has published a good work on the influence of monuments and public works.

There ought also, in my opinion, to be a separate *Revenue Board for central India*: the Governor-General in Council having to attend to Ceylon, Bombay, and Madras, and to the whole country, from Ceylon to Sutledge, is burthened with too much business. Calcutta is certainly too remote from ~~our~~ <sup>west</sup> ceded and conquered territories to the north ~~east~~, to have a proper control over them. From that quarter danger is principally to be apprehended; Europeans have in that quarter more easy intercourse with the warlike natives, who must in secret, feel mortified by their subjugation, and who once had their sovereign at Delhi, &c. Should our cantonments on the frontier be taken by surprise, there ought to be a strong fortified town, under a presidency, to afford an asylum for fugitives, and to arrest the progress of an invading enemy.

Ought there not also to be a presidency at hand to which the natives may appeal, when injured or oppressed? How can a native afford to send a Vakeel or representative to Calcutta? How difficult he will find it to have his petition properly presented. The collector will then be written to, and he being all-powerful, and on the spot, may procure counter-petitions, misrepresenting the sufferer. Ought not a presidency to be near, which can obtain correct information, to prevent an intemperate young man from involving the Company in a war, or to suppress an insurrection, by immediate redress? Mr. Mill very justly observes, "the grand general evil is, that in proportion as territory augments, and with it

the amount and complexity of the business which the administration involves, it becomes more and more impossible for the superintending power to take securities, that the business of the government shall not be negligently or corruptly performed; since besides the inability of attention to extend itself minutely beyond a limited range of affairs, distance in the eyes of government gradually weakens the powers, and at least annihilates a great portion of them."

An objection may be made to the expence, but let it be considered that money expended upon public works remains in the country, and comes back to the treasury. The men employed may be under the direction of engineer officers, and exercised once or twice a week with sticks; so they will serve as a corps de reserve, or recruits for the army may be taken from these workmen. In my opinion a portion of the revenue of a nation ought always to be appropriated to public improvements; Bonaparte evinced the advantages a people derives from judicious public expenditures on improvements. Would the nation have been richer if these had not been undertaken and accomplished? Public improvements are actually net gain, and they excite national satisfaction and gratitude to the government.

A new city or town is easily made in India. The officers of the government, and those resorting to them for business or for amusement, by their expences, soon form a collection of inhabitants; there may be barracks erected for invalid Sepoys. The stock-holders of government's debt ought to have the option of being paid at the interior cities, whereby they would save the

expence and risk of employing agents to receive their dividends in Calcutta. It is injurious in a financial point of view, to have all payments made in Calcutta. I have known interest in Calcutta 3 or 4 per cent. per annum, and at Patna above 12 per cent.;—and property sold in the latter place, at 50 per cent. below the original cost. See the late accounts of interest in Hyderabad. The importance of having central towns, is acknowledged in the United States of America; were a proposition made to fix the general government at New Orleans, it would be received with astonishment. If the expence of making a central presidency for the ceded and conquered provinces, should be an objection, a tax like Octroys on the continent of Europe, on articles brought into the town, or a tobacco tax, or a house tax, would support it.

Roads would of course be made to facilitate intercourse with the city or town, and to enable it to send succours expeditiously to the frontiers. At present, our Governor-General in Council is about 1500 miles from our forces on the Punjab;—what a vast extent of country might be desolated by an enemy's army after one victory, before any measures could be adopted to check his progress.

The Company seem to have forgotten the dangers to which they were exposed, when Cheyt Sing, the Rajah of Benares, was in supposed rebellion; a general explosion had almost ensued;—fortunately he was not prepared for resistance; the Europeans between Benares and Patna, were all intercepted or killed: it were needless to describe our insecurity at that period, I



mention it only that timely precautions may be adopted to avert future danger and destruction.

The Company ought also to consider that a period of more than fifty years has made a great change in the character of their native subjects. The Company obtained its first territories by siding with hostile nabobs, who were contending for supremacy, when the empire of the great Mogul was tumbling into fragments: our cannon, grape, musquetry, and bayonets, thrown into either scale, made it preponderate. Since that the overthrow of the Nabob of Arcot, of Tippo, of the Peshwa, of Cheyt Sing, of the great Mogul, &c. and our constant encroachments, have excited a general apprehension,—modern revolutions also, with which foreigners make them acquainted, have a powerful effect upon their minds. I will now submit to perusal, an extract from an officer's sketches of India, which the Edinburgh Reviewer terms monitory, and somewhat alarming suggestions.

“ Long after our interest in Calcutta, as Englishmen, may have ceased, by the entire loss of our Indian possessions, as governors, it will continue a populous, powerful, and wealthy city. Although we do not admit of colonization in India, a class of natives connected with us by blood, language, habit, education, and religion, is rapidly growing into consequence, in point of numbers, possessions, awakened desires, enlarged and enlightened views. They are already the small merchants, the shop-keepers, the citizens in fact of our presidencies. They are shut out from the service of the Company, but that they are the subjects of the Company, must never be forgotten. The British blood

and the native blood in their veins, are alike hateful to them, for the Englishman and the Hindoo alike disclaim them; but as the light of knowledge beams upon them, they see and feel that "honor and shame from no condition rise." The revolution of a few short years will fearfully increase their numbers, and if the moral and mental improvement of this class, now reckoning in it many men of talent, integrity, and piety, keep pace with that increase, we must not expect, nor ought we to wish, that they should look upon themselves as outcasts, without a country they dare call their own, without the common privileges of free-born men, without eligibility to honor, wealth or usefulness, or to any share in the government of themselves."

✓ Even the Hindoos are shaking off their religious prejudices. The publications of the Brahmin, Ram-mohun Roy, which I have met with since my arrival here, have quite surprised me, and caused a train of very serious considerations: the Seiks are the most powerful nation on our borders, and a great portion of the Hindoos are become Seiks. Even in Cheyt Sing's time, there was a great number of them in the Bahar province. I chanced to ascertain this, more than thirty years ago, as a nocturnal meeting of them in Patna, caused me some alarm.

That a Brahmin should be master of Hebrew, Latin, and Greek, besides the Asiatic languages, and that he should from Shanscrit authors, demonstrate that polytheism was a corruption from ancient theism; and that he should publish these doctrines, and hold a controversy with a missionary, upon the tenets of the christian religion, cause astonishment.

When superstition loses its influence, the moral man expands his views, enlarges his intelligence, and imbibes political sentiments unfavourable to the sovereignty of conquerors living at a distance. Patriotism is a word unknown amongst them ; but it will sooner or later be felt, and a synonymous word created. A statesman will, therefore, endeavour to unite the natives by a common interest ; to give them a permanent tenure in the land ; to have a national debt and currency possessed by them ; and to render them secure and prosperous, are obvious modes to create attachment and co-operation. The happy are naturally averse to change.

Thirty years ago, I strenuously but unsuccessfully endeavoured to obtain permission for British merchants to trade to the Company's territories, and to have the freight of ships (then exorbitantly high,) lowered : with much satisfaction I now find both these impediments to exports removed.

Perhaps there is a latent policy which influences the advocates for the Ryotwarree System, viz. the belief that a whole people reduced to the commonalty, cannot have wealth or arms to subvert the government. They should remember that, "*furor arma ministrat*," that a nation so reduced is ready to unite with any invader. When all the people have one resentment and one indignation, and a consciousness that they must benefit by any change, all the passions unite to surmount that of fear. But when a people has a class of landholders, of manufacturers, merchants, &c. they wish for peace, and will fly to arms for the preservation of their property. It has been well said of knowledge, "*emollit mores nec sinit esse feros.*"

✓ The Sepoys will be reluctant troops when required to uphold the government under the Ryotwarree System; but, as sons of Mocurrery Zemindars, they will be zealous combatants for their parents' prosperity.

As it is become the policy of the British Cabinet to promote the blessings of freedom, which Britons enjoy, and to extend commercial intercourse to those colonies which have established their emancipation, it should be expected that jealousy, rivalry, envy, and animosity will induce European potentates to attempt the alienation of our extensive territories in Asia. Do we not perceive their agents in Egypt, in Persia, and in the frontiers of India, insinuating themselves into influence with their rulers, and introducing modern discipline into their armies. How to retaliate is the great embarrassment of these European potentates; they are annually made acquainted with the superiority of the British navy in the printed documents; their eyes, therefore, are turned to our Asiatic possession, by a land rout through the conquered provinces, and their thoughts will naturally be turned to every means whereby the natives may be exasperated and induced to revolt. When I even imagine that a Ryotwarree settlement will be attempted to be introduced into the conquered and ceded provinces, the inevitable insurrection of the turbulent, impetuous, valiant Rajepoots, &c. presents itself. Awful warnings, by high authority, have been solemnly given, and the most intelligent companies' servants, who have been through our frontier territories, confirm these predictions: *Verbum sat est sapienti.*—Beware. When the natives, subjected to us, shall feel an interest in our preservation, we have nothing to

apprehend. Let this emphatic expression of Livy, then, be applicable to the British: —

“ Universos bonum animum habere jussit; venisse in eos populi Romani potestatem, qui *beneficio* quam *metu* obligare homines malit, exterasque gentes *fide ac societate* junctas habere *quam tristi subjectas servitio*.

LIBER xxvi.

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### POSTSCRIPT.

IF I have betrayed too much anxiety, let allowance be made for old age, which has witnessed so much war, and so many unanticipated revolutions, which have severed distant colonies from the most powerful empires. Should negligence of style and carelessness of concatenation be observed, let the want of aid and the urgency of the occasion plead my apology. Obeying the impulse of zeal, and submitting to the dictates of duty, I have hastily written at this eventful crisis, only for those who are immediately interested, and who are acquainted with the subject.

Had experience invalidated my former suggestions, I should have candidly retracted my errors; but as subsequent facts have strengthened what was before theoretical, I now close my career as I commenced it, and devoutly hope that my endeavours may not be ineffectual. The longer a decision is postponed, the more will the natives be in a state of uncertainty and apprehensive of the worst. Of the humane intentions and of the luminous abilities of those who differ in opinion with me I am fully conscious; nor would I,

relying solely upon my practical knowledge, have ventured to cope with their powers ; but having my reasoning corroborated by revered authorities, I felt it incumbent upon me to break silence, in defence of what I deem the great desideratum—the sine quâ non for the tranquillity, security, and prosperity of Asia, who may long continue to pour wealth into the lap of Great Britain in requital for a permanent system.

THE END.









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